

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 1988

Ordered to be printed with the amendments of the Senate numbered

AN ACT

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies, for the fiscal year ending September 30, 1989, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any money
4 in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and
6 Education, and related agencies for the fiscal year ending
7 September 30, 1989, and for other purposes, namely:

1 **TITLE I—DEPARTMENT OF LABOR**
2 **EMPLOYMENT AND TRAINING ADMINISTRATION**
3 **PROGRAM ADMINISTRATION**

4 For expenses of administering employment and training
5 programs, ~~(1)~~ ~~\$72,289,000~~ ~~\$71,638,000~~ together with not
6 to exceed ~~(2)~~ ~~\$46,607,000~~ ~~\$50,406,000~~ which may be ex-
7 pended from the Employment Security Administration ac-
8 count in the Unemployment Trust Fund.

9 **TRAINING AND EMPLOYMENT SERVICES**

10 For expenses necessary to carry into effect the Job
11 Training Partnership Act, including the purchase and hire of
12 passenger motor vehicles, ~~(3)~~ ~~\$3,705,129,000~~
13 ~~\$3,769,316,000~~, plus reimbursements, to be available for ob-
14 ligation for the period July 1, 1989, through June 30, 1990,
15 of which \$59,713,000 shall be for carrying out section 401,
16 ~~(4)~~ ~~\$70,572,000~~ ~~\$68,172,000~~ shall be for carrying out sec-
17 tion 402, ~~(5)~~ ~~\$9,966,000~~ ~~\$9,633,000~~ shall be for carrying
18 out section 441, \$2,000,000 shall be for the National Com-
19 mission for Employment Policy, ~~(6)~~ ~~\$3,000,000~~
20 \$5,000,000 shall be for all activities conducted by and
21 through the National Occupational Information Coordinating
22 Committee under the Job Training Partnership Act, ~~(7)~~ and
23 \$7,000,000 shall be for service delivery areas under section
24 101(a)(4)(A)(iii) of the Job Training Partnership Act in addi-
25 tion to amounts otherwise provided under sections 202 and
26 251(b) of the Act ~~(8)~~ \$12,000,000 shall be used to begin

1 acquisition, rehabilitation, and construction of six new Job
2 Corps centers and \$2,500,000 shall be for programs serving
3 American Samoans under the Job Training Partnership Act:
4 Provided, That no funds from any other appropriation shall
5 be used to provide meal services at or for Job Corps centers.

6 (9) For necessary expenses of construction, rehabilita-
7 tion, and acquisition of Job Corps centers as authorized by
8 the Job Training Partnership Act, \$80,916,000, to be avail-
9 able for obligation for the period July 1, 1989 through June
10 30, 1992.

11 For activities authorized by sections 236, 237, and 238
12 of the Trade Act of 1974, as amended, including necessary
13 related administrative expenses, (10) \$50,000,000
14 \$47,870,000.

15 (11) Of the funds provided under this heading in the
16 Department of Labor Appropriations Act, 1988, for neces-
17 sary expenses of construction, rehabilitation, and acquisition
18 of Job Corps centers, not to exceed \$30,000,000, may be
19 expended as necessary, for center operations to maintain ex-
20 isting Job Corps centers and current enrollment levels. Such
21 funds for center operations shall be available for obligation
22 for the period July 1, 1988 through June 30, 1989. Such
23 transfer shall in no way reduce the obligation of the Depart-
24 ment of Labor to comply with the provisions of Public Law
25 100-202 for the rehabilitation and relocation of existing cen-

1 ters and the expeditious obligation of funds for the planning
2 and construction of new centers.

3 (12) *The Congress recognizes the need to prepare the*
4 *Nation's workforce for the more complex work environment of*
5 *the United States post-industrial economy. The Congress is*
6 *concerned with the findings of the Office of Technology As-*
7 *essment that 25 million workers will have to upgrade their*
8 *job skills by the end of this century. Accordingly, the Con-*
9 *gress directs the Secretary to give priority to funding pilots*
10 *and demonstrations and research, development, and evalua-*
11 *tion programs that will address this urgent National priority.*

12 *Further, in recognition that upgrading the skills of*
13 *25,000,000 workers cannot be achieved with current methods*
14 *of teaching, the Congress directs the Secretary to fund from*
15 *the available National activities program funds research and*
16 *development projects using interactive laser-videodisc technol-*
17 *ogy course materials that are specifically designed to upgrade*
18 *“workplace literacy”.*

19 COMMUNITY SERVICE EMPLOYMENT FOR OLDER
20 AMERICANS

21 To carry out the activities for national grants or con-
22 tracts with public agencies and public or private nonprofit
23 organizations under paragraph (1)(A) of section 506(a) of title
24 V of the Older Americans Act of 1965, as amended,
25 (13) \$269,880,000 \$273,000,000.

1 To carry out the activities for grants to States under
2 paragraph (3) of section 506(a) of title V of the Older Ameri-
3 cans Act of 1965, as amended, (14) ~~\$76,120,000~~
4 \$77,000,000.

5 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

6 For payments during the current fiscal year of benefits
7 and payments as authorized by title II of Public Law 95-
8 250, as amended, and of trade adjustment benefit payments
9 and allowances, as provided by law (part I, subchapter B,
10 chapter 2, title II of the Trade Act of 1974, as amended),
11 \$134,000,000, together with such amounts as may be neces-
12 sary to be charged to the subsequent appropriation for pay-
13 ments for any period subsequent to September 15 of the cur-
14 rent year: *Provided*, That amounts received or recovered
15 pursuant to section 208(e) of Public Law 95-250 shall be
16 available for payments.

17 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT

18 SERVICE OPERATIONS

19 For activities authorized by the Act of June 6, 1933, as
20 amended (29 U.S.C. 49–49l–1; 39 U.S.C. 3202(a)(1)(E));
21 title III of the Social Security Act, as amended (42 U.S.C.
22 502–504); necessary administrative expenses for carrying out
23 5 U.S.C. 8501–8523, and sections 231–235 and 243–244,
24 title II of the Trade Act of 1974, as amended; as authorized
25 by section 7c of the Act of June 6, 1933, as amended, neces-
26 sary administrative expenses under sections 101(a)(15)(H)(ii),

1 212(a)(14), and 216(g)(1)(2)(3) of the Immigration and Na-
2 tionality Act, as amended (8 U.S.C. 1101 et seq.); and neces-
3 sary administrative expenses to carry out the Targeted Jobs
4 Tax Credit program under section 51 of the Internal Reve-
5 nue Code of 1986, \$22,833,000, together with not to exceed
6 ~~(15)~~ \$2,472,714,000 \$2,484,890,000 which may be ex-
7 pended from the Employment Security Administration ac-
8 count in the Unemployment Trust Fund, and of which the
9 sums available in the basic allocation for activities authorized
10 by title III of the Social Security Act, as amended (42
11 U.S.C. 502-504), and the sums available in the basic alloca-
12 tion for necessary administrative expenses for carrying out
13 5 U.S.C. 8501-8523, shall be available for obligation by
14 the States through December 31, 1989, and of which
15 \$21,733,000 together with not to exceed \$751,296,000 of
16 the amount which may be expended from said trust fund shall
17 be available for obligation for the period July 1, 1989,
18 through June 30, 1990, to fund activities under section 6 of
19 the Act of June 6, 1933, as amended, including the cost of
20 penalty mail made available to States in lieu of allotments for
21 such purpose and of which \$157,479,000 (including not to
22 exceed \$3,000,000 which may be used for amortization pay-
23 ments to States which had independent retirement plans in
24 their State employment service agencies prior to 1980) shall
25 be available only to the extent necessary to administer unem-

1 payment compensation laws to meet increased costs of ad-
2 ministration resulting from changes in a State law or in-
3 creases in the number of unemployment insurance claims
4 filed and claims paid or increased salary costs resulting from
5 changes in State salary compensation plans embracing em-
6 ployees of the State generally over those upon which the
7 State's basic allocation was based, which cannot be provided
8 for by normal budgetary adjustments based on State obliga-
9 tions as of December 31, 1989.

10 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
11 OTHER FUNDS

12 For repayable advances to the Unemployment Trust
13 Fund as authorized by sections 905(d) and 1203 of the Social
14 Security Act, as amended, and to the Black Lung Disability
15 Trust Fund as authorized by section 9501(c)(1) of the Inter-
16 nal Revenue Code of 1954, as amended; and for nonrepay-
17 able advances to the Unemployment Trust Fund as authorized
18 by section 8509 of title 5, United States Code, and to the
19 "Federal unemployment benefits and allowances" account, to
20 remain available until September 30, 1990; \$124,000,000.

21 LABOR-MANAGEMENT SERVICES

22 SALARIES AND EXPENSES

23 For necessary expenses for Labor-Management Serv-
24 ices, \$73,059,000, of which \$5,000,000 for a pension plan
25 data base shall remain available until September 30, 1990.

1 PENSION BENEFIT GUARANTY CORPORATION

2 PENSION BENEFIT GUARANTY CORPORATION FUND

3 The Pension Benefit Guaranty Corporation is author-
4 ized to make such expenditures, including financial assistance
5 authorized by section 104 of Public Law 96-364, within
6 limits of funds and borrowing authority available to such Cor-
7 poration, and in accord with law, and to make such contracts
8 and commitments without regard to fiscal year limitations as
9 provided by section 104 of the Government Corporation Con-
10 trol Act, as amended (31 U.S.C. 9104), as may be necessary
11 in carrying out the program through September 30, 1989, for
12 such Corporation: *Provided*, That not to exceed \$41,232,000
13 shall be available for administrative expenses of the Corpora-
14 tion: *Provided further*, That contractual expenses of such
15 Corporation for legal and financial services in connection
16 with the termination of pension plans, for the acquisition,
17 protection or management, and investment of trust assets,
18 and for benefits administration services shall be considered as
19 non-administrative expenses for the purposes hereof, and
20 excluded from the above limitation (16): *Provided further*,

21 *That it is the sense of the Senate:*

22 (a) *To temporarily discourage the practice of pen-
23 sion asset reversions by employers, Congress should
24 enact a 60 percent penalty on asset reversions that will
25 extend until May 1, 1989;*

1 (b) the current 10 percent penalty provision on
2 asset reversions be paid by employers in the month fol-
3 lowing the month in which the reversion occurs;

4 (c) the effective date of the 60 percent penalty pro-
5 vision and the change to payment rules for the 10 per-
6 cent penalty provision should be effective for notices of
7 intent to terminate provided to participants on or after
8 the date of adoption by the Senate of this amendment;

9 (d) these provisions on pension asset reversions and
10 associated penalties will be included in appropriate
11 revenue legislation that will be considered by the full
12 Senate before the end of the current legislative session;
13 and

14 (e) during the period that the 60 percent penalty
15 provision is in effect, the four committees of jurisdic-
16 tion in both Houses—the Senate Finance Committee,
17 the Senate Labor and Human Resources Committee,
18 the House Ways and Means Committee and the House
19 Education and Labor Committee—should craft legisla-
20 tion that addresses the important policy questions
21 raised by employer terminations of pension plans and
22 asset reversions.

1 EMPLOYMENT STANDARDS ADMINISTRATION

2 SALARIES AND EXPENSES

3 For necessary expenses for the Employment Standards
4 Administration, including reimbursement to State, Federal,
5 and local agencies and their employees for inspection services
6 rendered, \$214,489,000 together with \$526,000 which may
7 be expended from the Special Fund in accordance with sec-
8 tions 39(c) and 44(j) of the Longshore and Harbor Workers'
9 Compensation Act.

10 SPECIAL BENEFITS

11 (INCLUDING TRANSFER OF FUNDS)

12 For the payment of compensation, benefits, and ex-
13 penses (except administrative expenses) accruing during the
14 current or any prior fiscal year authorized by title V, chapter
15 81 of the United States Code; continuation of benefits as pro-
16 vided for under the head "Civilian War Benefits" in the Fed-
17 eral Security Agency Appropriation Act, 1947; the Employ-
18 ees' Compensation Commission Appropriation Act, 1944;
19 and sections 4(c) and 5(f) of the War Claims Act of 1948 (50
20 U.S.C. App. 2012); and 50 per centum of the additional com-
21 pensation and benefits required by section 10(h) of the Long-
22 shore and Harbor Workers' Compensation Act, as amended,
23 **(17) \$292,000,000 \$255,000,000**, together with such
24 amounts as may be necessary to be charged to the subse-
25 quent year appropriation for the payment of compensation
26 and other benefits for any period subsequent to September 15

1 of the current year: *Provided*, That in addition there shall be
2 transferred from the Postal Service fund to this appropriation
3 such sums as the Secretary of Labor determines to be the
4 cost of administration for Postal Service employees through
5 September 30, 1989.

BLACK LUNG DISABILITY TRUST FUND

(INCLUDING TRANSFER OF FUNDS)

8 For payments from the Black Lung Disability Trust
9 Fund, (18) ~~\$688,214,000~~ \$691,394,000, of which
10 \$633,435,000 shall be available until September 30, 1990,
11 for payment of all benefits as authorized by section 9501(d)
12 (1), (2), and (7) of the Internal Revenue Code of 1954, as
13 amended, and of which \$30,210,000 shall be available for
14 transfer to Employment Standards Administration, Salaries
15 and Expenses, and (19) ~~\$24,054,000~~ \$27,234,000 for
16 transfer to Departmental Management, Salaries and Ex-
17 penses, and \$515,000 for transfer to Departmental Manage-
18 ment, Office of Inspector General, for expenses of operation
19 and administration of the Black Lung Benefits program as
20 authorized by section 9501(d)(5)(A) of that Act: *Provided*,
21 That in addition, such amounts as may be necessary may be
22 charged to the subsequent year appropriation for the payment
23 of compensation or other benefits for any period subsequent
24 to June 15 of the current year: *Provided further*, That in
25 addition, such amounts shall be paid from this fund into mis-

1 cellaneous receipts as the Secretary of the Treasury deter-
2 mines to be the administrative expenses of the Department of
3 the Treasury for administering the fund during the current
4 fiscal year, as authorized by section 9501(d)(5)(B) of that
5 Act.

6 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

7 SALARIES AND EXPENSES

8 For necessary expenses for the Occupational Safety and
9 Health Administration, ~~(20)~~ \$246,517,000 \$246,851,000,
10 including not to exceed ~~(21)~~ \$43,000,000 \$42,334,000,
11 which shall be the maximum amount available for grants to
12 States under section 23(g) of the Occupational Safety and
13 Health Act, which grants shall be no less than fifty percent of
14 the costs of State occupational safety and health programs
15 required to be incurred under plans approved by the Secre-
16 tary under section 18 of the Occupational Safety and Health
17 Act of 1970: *Provided*, That none of the funds appropriated
18 under this paragraph shall be obligated or expended for the
19 assessment of civil penalties issued for first instance viola-
20 tions of any standard, rule, or regulation promulgated under
21 the Occupational Safety and Health Act of 1970 (other than
22 serious, willful, or repeated violations under section 17 of the
23 Act) resulting from the inspection of any establishment or
24 workplace subject to the Act, unless such establishment or
25 workplace is cited, on the basis of such inspection, for ten or

1 more violations: *Provided further*, That none of the funds ap-
2 propriated under this paragraph shall be obligated or expend-
3 ed to prescribe, issue, administer, or enforce any standard,
4 rule, regulation, or order under the Occupational Safety and
5 Health Act of 1970 which is applicable to any person who is
6 engaged in a farming operation which does not maintain a
7 temporary labor camp and employs ten or fewer employees:
8 *Provided further*, That none of the funds appropriated under
9 this paragraph shall be obligated or expended to prescribe,
10 issue, administer, or enforce any standard, rule, regulation,
11 order or administrative action under the Occupational Safety
12 and Health Act of 1970 affecting any work activity by reason
13 of recreational hunting, shooting, or fishing: *Provided further*,
14 That no funds appropriated under this paragraph shall be ob-
15 ligated or expended to administer or enforce any standard,
16 rule, regulation, or order under the Occupational Safety and
17 Health Act of 1970 with respect to any employer of ten or
18 fewer employees who is included within a category having an
19 occupational injury lost work day case rate, at the most pre-
20 cise Standard Industrial Classification Code for which such
21 data are published, less than the national average rate as
22 such rates are most recently published by the Secretary,
23 acting through the Bureau of Labor Statistics, in accordance
24 with section 24 of that Act (29 U.S.C. 673), except—

10 (3) to take any action authorized by such Act
11 with respect to imminent dangers;

12 (4) to take any action authorized by such Act
13 with respect to health hazards;

20 (6) to take any action authorized by such Act
21 with respect to complaints of discrimination against
22 employees for exercising rights under such Act:

23 *Provided further*, That the foregoing proviso shall not apply
24 to any person who is engaged in a farming operation which
25 does not maintain a temporary labor camp and employs ten

1 or fewer employees: *Provided further*, That none of the funds
2 appropriated under this paragraph shall be obligated or ex-
3 pended for the proposal or assessment of any civil penalties
4 for the violation or alleged violation by an employer of ten or
5 fewer employees of any standard, rule, regulation, or order
6 promulgated under the Occupational Safety and Health Act
7 of 1970 (other than serious, willful or repeated violations and
8 violations which pose imminent danger under section 13 of
9 the Act) if, prior to the inspection which gives rise to the
10 alleged violation, the employer cited has (1) voluntarily re-
11 quested consultation under a program operated pursuant to
12 section 7(c)(1) or section 18 of the Occupational Safety and
13 Health Act of 1970 or from a private consultative source
14 approved by the Administration and (2) had the consultant
15 examine the condition cited and (3) made or is in the process
16 of making a reasonable good faith effort to eliminate the
17 hazard created by the condition cited as such, which was
18 identified by the aforementioned consultant, unless changing
19 circumstances or workplace conditions render inapplicable
20 the advice obtained from such consultants: *Provided further*,
21 That none of the funds appropriated under this paragraph
22 may be obligated or expended for any State plan monitoring
23 visit by the Secretary of Labor under section 18 of the Occu-
24 pational Safety and Health Act of 1970, of any factory,
25 plant, establishment, construction site, or other area, work-

1 place or environment where such a workplace or environ-
2 ment has been inspected by an employee of a State acting
3 pursuant to section 18 of such Act within the six months
4 preceding such inspection: *Provided further*, That this limita-
5 tion does not prohibit the Secretary of Labor from conducting
6 such monitoring visit at the time and place of an inspection
7 by an employee of a State acting pursuant to section 18 of
8 such Act, or in order to investigate a complaint about State
9 program administration including a failure to respond to a
10 worker complaint regarding a violation of such Act, or in
11 order to investigate a discrimination complaint under section
12 11(c) of such Act, or as part of a special study monitoring
13 program, or to investigate a fatality or catastrophe.

14 **MINE SAFETY AND HEALTH ADMINISTRATION**

15 **SALARIES AND EXPENSES**

16 For necessary expenses for the Mine Safety and Health
17 Administration, \$164,597,000, including purchase and be-
18 stowal of certificates and trophies in connection with mine
19 rescue and first-aid work, and the purchase of not to exceed
20 twenty passenger motor vehicles for replacement only; the
21 Secretary is authorized to accept lands, buildings, equipment,
22 and other contributions from public and private sources and
23 to prosecute projects in cooperation with other agencies,
24 Federal, State, or private; the Mine Safety and Health Ad-
25 ministration is authorized to promote health and safety edu-

1 cation and training in the mining community through cooper-
2 ative programs with States, industry, and safety associations;
3 and any funds available to the Department may be used, with
4 the approval of the Secretary, to provide for the costs of mine
5 rescue and survival operations in the event of major disaster:
6 *Provided*, That none of the funds appropriated under this
7 paragraph shall be obligated or expended to carry out section
8 115 of the Federal Mine Safety and Health Act of 1977 or to
9 carry out that portion of section 104(g)(1) of such Act relat-
10 ing to the enforcement of any training requirements, with
11 respect to shell dredging, or with respect to any sand, gravel,
12 surface stone, surface clay, colloidal phosphate, or surface
13 limestone mine.

BUREAU OF LABOR STATISTICS

SALARIES AND EXPENSES

16 For necessary expenses for the Bureau of Labor Statistics,
17 tics, including advances or reimbursements to State, Federal,
18 and local agencies and their employees for services rendered,
19 \$190,397,000, of which \$2,829,000 shall be for expenses of
20 revising the Standard Industrial Classification, together with
21 not to exceed \$46,323,000, which may be expended from the
22 Employment Security Administration account in the Unem-
23 ployment Trust Fund: *Provided*, That \$3,550,000 shall
24 remain available until September 30, 1990.

1 DEPARTMENTAL MANAGEMENT

2 SALARIES AND EXPENSES

3 For necessary expenses for Departmental Management,
4 including the hire of 5 sedans, and including \$2,468,000 for
5 the President's Committee on Employment of the Handi-
6 capped, ~~(22)~~ \$117,339,000 \$118,839,000, together with
7 not to exceed \$285,000 which may be expended from the
8 Employment Security Administration account in the Unem-
9 ployment Trust Fund.

10 ASSISTANT SECRETARY FOR VETERANS EMPLOYMENT AND

11 TRAINING

12 Not to exceed ~~(23)~~ \$148,887,000 \$160,006,000 may
13 be derived from the Employment Security Administration ac-
14 count in the Unemployment Trust Fund to carry out the pro-
15 visions of 38 U.S.C. 2001–08 and 2021–26.

16 OFFICE OF THE INSPECTOR GENERAL

17 For salaries and expenses of the Office of the Inspector
18 General in carrying out the provisions of the Inspector Gen-
19 eral Act of 1978, ~~(24)~~ \$39,497,000 \$40,222,000, together
20 with not to exceed \$5,701,000, which may be expended from
21 the Employment Security Administration account in the Un-
22 employment Trust Fund.

23 GENERAL PROVISIONS

24 SEC. 101. Appropriations in this Act available for sala-
25 ries and expenses shall be available for supplies, services, and
26 rental of conference space within the District of Columbia, as

1 the Secretary of Labor shall deem necessary for settlement of
2 labor-management disputes.

3 SEC. 102. None of the funds appropriated under this
4 Act shall be used to grant variances, interim orders or letters
5 of clarification to employers which will allow exposure of
6 workers to chemicals or other workplace hazards in excess of
7 existing Occupational Safety and Health Administration
8 standards for the purpose of conducting experiments on
9 workers health or safety.

10 (25) SEC. 103. None of the funds appropriated in this
11 Act shall be obligated or expended for the purpose of closing
12 any Job Corps Center operating under part B of title IV of
13 the Job Training Partnership Act prior to January 1, 1990.

14 SEC. (26) 104 103. Notwithstanding any other provi-
15 sion of this Act, no funds appropriated by this Act may be
16 used to execute or carry out any contract with a non-govern-
17 mental entity to administer or manage a Civilian Conserva-
18 tion Center of the Job Corps which was not under such a
19 contract as of September 1, 1984.

20 SEC. (27) 105 104. None of the funds appropriated in
21 this Act shall be used by the Job Corps program to pay the
22 expenses of legal counsel or representation in any criminal
23 case or proceeding for a Job Corps participant, unless certi-
24 fied to and approved by the Secretary of Labor that a public
25 defender is not available.

1 This title may be cited as the "Department of Labor
2 Appropriations Act, 1989".

5 HEALTH RESOURCES AND SERVICES ADMINISTRATION

6 HEALTH RESOURCES AND SERVICES

7 PROGRAM OPERATIONS

8 For carrying out titles III, VII, (28) VIII, X, XVI,
9 and XXIII of the Public Health Service Act, section 427(a)
10 of the Federal Coal Mine Health and Safety Act, title V and
11 section 1110 of the Social Security Act, (29) and title IV of
12 the Health Care Quality Improvement Act of 1986, as
13 amended, (30) \$769,554,000 \$1,642,685,000, of which not
14 to exceed (31) \$800,000 \$1,000,000, to remain available
15 until expended, shall be available for renovating the Gillis W.
16 Long Hansen's Disease Center, 42 U.S.C. 247e, and of
17 which \$500,000 shall remain available until expended for in-
18 terest subsidies on loan guarantees made prior to fiscal year
19 1981 under part B of title VII of the Public Health Service
20 Act (32) and of which \$5,000,000 shall be made available
21 until expended to make grants under section 1610(b) of the
22 Public Health Service Act for renovation or construction of
23 non-acute care intermediate and long term care facilities for
24 AIDS patients (33) and of which \$20,800,000 shall be
25 available for an infant mortality initiative funded through
26 the community health centers and migrant health centers:

1 *Provided*, That grants made under the Excellence in Minority
2 Health Education and Care Act shall be awarded competi-
3 tively and, notwithstanding section 788A, any university
4 which awards a graduate degree in the health professions and
5 which has a majority enrollment of minority students shall be
6 eligible to apply and compete for a grant: *Provided further*,
7 That not to exceed \$10,000,000 of funds returned to the
8 Secretary pursuant to section 839(c) of the Public Health
9 Service Act or pursuant to a loan agreement under section
10 740 or 835 of the Act may be used for activities under titles
11 III, VII, and VIII of the Act (34): *Provided further*, That
12 when the Department of Health and Human Services admin-
13 isters or operates an employee health program for any Feder-
14 al department or agency, payment for the full estimated cost
15 shall be made by way of reimbursement or in advances to this
16 appropriation: *Provided further*, That amounts received pur-
17 suant to these provisions of law in accordance with 31
18 U.S.C. 9701 may be credited to appropriations under this
19 heading, notwithstanding 31 U.S.C. 3302 and shall remain
20 available until expended (35): *Provided further*, That the
21 provisions of section 741(i) of the Public Health Service Act
22 shall also apply to schools participating in the Nursing Stu-
23 dent Loan Program or lenders participating in the Health
24 Education Assistance Loan Program: *Provided further*, That
25 during fiscal year 1989, and within the resources and author-

1 ity available under section 338 of the Public Health Service
2 Act, gross obligations for the principal amount of direct loans
3 under sections 335(c), 338C(e)(1), and 338E of that Act shall
4 not exceed \$500,000.

5 **MEDICAL FACILITIES GUARANTEE AND LOAN FUND**

6 **FEDERAL INTEREST SUBSIDIES FOR MEDICAL FACILITIES**

7 For carrying out subsections (d) and (e) of section 1602
8 of the Public Health Service Act, \$21,600,000, together
9 with any amounts received by the Secretary in connection
10 with loans and loan guarantees under title VI of the Public
11 Health Service Act, to be available without fiscal year limita-
12 tion for the payment of interest subsidies. During the fiscal
13 year, no commitments for direct loans or loan guarantees
14 shall be made.

15 **CENTERS FOR DISEASE CONTROL**

16 **DISEASE CONTROL, RESEARCH, AND TRAINING**

17 To carry out title III, (36)XVII, XIX, and section
18 1102 of the Public Health Service Act, sections 101, 102,
19 103, 201, 202, and 203 of the Federal Mine Safety and
20 Health Act of 1977, and sections 20, 21, and 22 of the Occu-
21 pational Safety and Health Act of 1970; including insurance
22 of official motor vehicles in foreign countries; and hire, main-
23 tenance, and operation of aircraft, (37)\$819,941,000
24 \$979,357,000, of which \$2,000,000 shall remain available
25 until expended for equipment and construction and renova-
26 tion of facilities: *Provided*, That training (38)of private per-

1 sons shall be made subject to reimbursement or advances to
2 this appropriation for not in excess of the full cost of such
3 training: *Provided further*, That funds appropriated under
4 this heading shall be available for payment of the costs of
5 medical care, related expenses, and burial expenses hereafter
6 incurred by or on behalf of any person who had participated
7 in the study of untreated syphilis initiated in Tuskegee, Ala-
8 bama, in 1932, in such amounts and subject to such terms
9 and conditions as prescribed by the Secretary of Health and
10 Human Services and for payment, in such amounts and sub-
11 ject to such terms and conditions, of such costs and expenses
12 hereafter incurred by or on behalf of such person's wife or
13 offspring determined by the Secretary to have suffered injury
14 or disease from syphilis contracted from such person: *Provid-
15 ed further*, That collections from user fees (39), including
16 collections from training and reimbursements and advances
17 for the full cost of proficiency testing of private clinical lab-
18 oratories, may be credited to this appropriation: *Provided
19 further*, That amounts received by the National Center for
20 Health Statistics from reimbursable and interagency agree-
21 ments and the sale of data tapes may be credited to this
22 appropriation and shall remain available until expended: *Pro-
23 vided further*, That in addition to amounts provided herein,
24 up to \$12,486,000 shall be available from amounts available
25 under section 2313 of the Public Health Service Act, to

1 carry out the National Health and Nutrition Examination
2 Survey (40): Provided further, That employees of the
3 Public Health Service, both civilian and Commissioned Offi-
4 cer, detailed to States or municipalities as assignees under
5 authority of section 214 of the Public Health Service Act in
6 the instance where in excess of 50 percent of salaries and
7 benefits of the assignee is paid directly or indirectly by the
8 State or municipality shall be treated as non-Federal em-
9 ployees for reporting purposes only. In addition, the full-time
10 equivalents for organizations within the Department of
11 Health and Human Services shall not be reduced to accom-
12 modate implementation of this provision (41): Provided fur-
13 ther, That the office building at the Centers for Disease Con-
14 trol (CDC) Clifton Road site in Atlanta, Georgia and the
15 laboratory facility in Chamblee, Georgia, referred to in the
16 **CENTERS FOR DISEASE CONTROL—DISEASE CONTROL,**
17 **RESEARCH AND TRAINING APPROPRIATION** appearing in
18 Title II of the Departments of Labor, Health and Human
19 Services, and Education, and Related Agencies Appropria-
20 tion Act for the fiscal year ending September 30, 1988,
21 Public Law 100-202, December 22, 1987, 101 Stat. 1329-
22 264—1329-265, shall be constructed in conformity with
23 design plans prepared by the CDC, and shall be acquired
24 without regard to the provisions of the Public Buildings Act
25 of 1959 regarding prospectus approval by lease-purchase con-

1 tracts entered into by the General Services Administration
2 prior to their construction using funds appropriated annually
3 to GSA from the Federal Buildings Fund for the rental of
4 space which shall hereafter be available for this purpose. The
5 contracts shall provide for the payment of the purchase price
6 and reasonable interest thereon by lease or installment pay-
7 ments over a period not to exceed 30 years. The contracts
8 shall further provide that title to the buildings shall vest in
9 the United States at or before expiration of the contract term
10 upon fulfillment of the terms and conditions of the contracts.
11 The Federal Buildings Fund shall be reimbursed from the
12 annual appropriations to the CENTERS FOR DISEASE CON-
13 TROL—DISEASE CONTROL, RESEARCH, AND TRAINING
14 (or any other appropriation hereafter made available to the
15 CDC for construction of facilities) and such appropriations
16 shall be hereafter available for the purpose of reimbursing the
17 Federal Buildings Fund. Obligations of funds under these
18 transactions shall be limited to the current fiscal year for
19 which payments are due without regard to 31 U.S.C. sec-
20 tions 1502 and 1341(a)(1)(B).

21 NATIONAL INSTITUTES OF HEALTH

22 NATIONAL CANCER INSTITUTE

23 For carrying out section 301 (42) and title IV of the
24 Public Health Service Act with respect to cancer,
25 (43) \$1,489,897,000 \$1,591,036,000 (44); of which at

1 least \$75,000,000 shall be available only for cancer preven-
2 tion and control.

3 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

4 For carrying out sections 301 and 1105 (45) and title
5 IV of the Public Health Service Act with respect to car-
6 diovascular, lung, and blood diseases, and blood and blood
7 products, (46) \$1,018,983,000 \$1,056,003,000.

8 NATIONAL INSTITUTE OF DENTAL RESEARCH

9 For carrying out section 301 (47) and title IV of the
10 Public Health Service Act with respect to dental diseases,
11 (48) \$127,315,000 \$132,578,000.

12 (49) SEC. 200. None of the funds made available
13 under this Act shall be used to require any person or entity to
14 perform, or facilitate in any way the performance of any
15 abortion.

16 NATIONAL INSTITUTE OF DIABETES, AND DIGESTIVE AND
17 KIDNEY DISEASES

18 For carrying out section 301 (50) and title IV of the
19 Public Health Service Act with respect to diabetes and diges-
20 tive and kidney diseases, (51) \$546,902,000 \$565,908,000.

21 NATIONAL INSTITUTE OF NEUROLOGICAL (52) AND

22 COMMUNICATIVE DISORDERS AND STROKE

23 For carrying out section 301 (53) and title IV of the
24 Public Health Service Act with respect to neurological
25 (54) and communicative disorders and stroke,
26 (55) \$557,046,000 \$477,878,000.

1 (56) NATIONAL INSTITUTE ON DEAFNESS AND OTHER
2 COMMUNICATION DISORDERS

3 For carrying out section 301 and title IV of the Public
4 Health Service Act with respect to deafness and other com-
5 munication disorder, \$96,100,000.

6 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
7 DISEASES

8 For carrying out section 301 (57) and title IV of the
9 Public Health Service Act with respect to allergy and infec-
10 tious diseases, (58) ~~\$732,453,000~~ \$758,352,000.

11 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

12 For carrying out section 301 (59) and title IV of the
13 Public Health Service Act with respect to general medical
14 sciences, (60) \$623,087,000 \$690,653,000.

15 NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN
16 DEVELOPMENT

17 For carrying out section 301 (61) and title IV of the
18 Public Health Service Act with respect to child health and
19 human development, (62) ~~\$407,650,000~~ \$431,388,000.

20 NATIONAL EYE INSTITUTE

21 For carrying out section 301 (63) and title IV of the
22 Public Health Service Act with respect to eye diseases and
23 visual disorders, (64) ~~\$228,235,000~~ \$234,218,000.

1 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
2 SCIENCES

3 For carrying out sections 301 and 311 (65) and title
4 IV of the Public Health Service Act with respect to environ-
5 mental health sciences, (66) \$216,985,000 \$223,168,000.

6 NATIONAL INSTITUTE ON AGING

7 For carrying out section 301 (67) and title IV of the
8 Public Health Service Act with respect to aging,
9 (68) \$202,096,000 \$225,578,000.

10 NATIONAL INSTITUTE OF ARTHRITIS AND
11 MUSCULOSKELETAL AND SKIN DISEASES

12 For carrying out section 301 (69) and title IV of the
13 Public Health Service Act with respect to arthritis, and mus-
14 culoskeletal and skin diseases, (70) \$156,174,000
15 \$161,931,000.

16 RESEARCH RESOURCES

17 For carrying out section 301 (71) and title IV of the
18 Public Health Service Act with respect to research re-
19 sources and general research support grants,
20 (72) \$355,767,000 \$367,987,000, (73) of which
21 \$10,000,000 shall remain available until expended to pro-
22 vide for the repair, renovation, modernization, and expansion
23 of existing facilities and purchase of associated equipment,
24 and to make grants and enter into contracts for such pur-
25 poses: *Provided*, That none of these funds, with the exception
26 of funds for the Minority Biomedical Research Support pro-

1 gram, shall be used to pay recipients of the general research
2 support grants program any amount for indirect expenses in
3 connection with such grants.

4 NATIONAL CENTER FOR NURSING RESEARCH

5 For carrying out section 301 ~~(74)~~ and title IV of the
6 Public Health Service Act with respect to nursing research,
7 ~~(75)~~ \$27,417,000 \$28,107,000.

8 JOHN E. FOGARTY INTERNATIONAL CENTER

9 For carrying out the activities at the John E. Fogarty
10 International Center, ~~(76)~~ \$16,074,000 \$16,474,000, of
11 which \$1,852,000 shall be available for payment to the
12 Gorgas Memorial Institute ~~(77)~~ for maintenance and oper-
13 ation of the Gorgas Memorial Laboratory.

14 NATIONAL LIBRARY OF MEDICINE

15 For carrying out section 301 ~~(78)~~ and title IV of the
16 Public Health Service Act with respect to health information
17 communications, ~~(79)~~ \$64,836,000 \$70,626,000.

18 OFFICE OF THE DIRECTOR

19 For carrying out the responsibilities of the Office of
20 the Director, National Institutes of Health,
21 ~~(80)~~ \$71,578,000 \$65,578,000 including purchase of not to
22 exceed five passenger motor vehicles for replacement only
23 ~~(81)~~: *Provided further, That \$6,000,000 of this amount be*
24 *used to support an additional 200 full-time equivalent posi-*
25 *tions (FTEs) for a total level of no less than 13,102 FTEs*

1 to be distributed throughout the National Institutes of
2 Health.

3 BUILDINGS AND FACILITIES

4 For construction of, and acquisition of equipment for,
5 facilities of or used by the National Institutes of Health,
6 ~~(82)~~ \$20,000,000 \$12,500,000, to remain available until
7 expended ~~(83)~~ of which \$2,500,000 shall be available only
8 for the Frederick Cancer Research Facility.

9 (84) Notwithstanding any other provision of this Act,
10 AIDS education programs funded by the Centers for Disease
11 Control and other education curricula funded under this Act
12 dealing with sexual activity—

(B) shall provide information on the health risks of promiscuous sexual activity and intravenous drug abuse

1 ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

2 ADMINISTRATION

3 ALCOHOL, DRUG ABUSE, AND MENTAL HEALTH

4 For carrying out the Public Health Service Act with
5 respect to mental health, drug abuse, alcohol abuse, and alco-
6 holism, ~~(85) \$507,594,000 and the Protection and Advocacy~~
7 *cy for Mentally Ill Individuals Act of 1986, \$1,583,191,000,*
8 *of which \$4,787,000 shall be available, on a pro rata basis,*
9 *for grants to the States for State comprehensive mental*
10 *health services plans pursuant to title V of Public Law 99-*
11 *660 (100 Stat. 3794-3797), of which \$200,000 for renova-*
12 *tion of government owned or leased intramural research fa-*
13 *cilities shall remain available until expended (86), and of*
14 *which \$250,000 shall be available for advisory services relat-*
15 *ing to alcohol.*

16 FEDERAL SUBSIDY FOR SAINT ELIZABETHS HOSPITAL

17 To carry out the Saint Elizabeths Hospital and District
18 of Columbia Mental Health Services Act, \$24,000,000 which
19 shall be available in fiscal year 1989 for payments to the
20 District of Columbia as authorized by section 9(a) of the Act:
21 *Provided*, That any amounts determined by the Secretary of
22 Health and Human Services to be in excess of the amounts
23 requested and estimated to be necessary to carry out sections
24 6 and 9(f)(2) of the Act shall be returned to the Treasury.

25 In fiscal year 1989 and thereafter, the maximum
26 amount available to Saint Elizabeths Hospital from Federal

1 sources shall not exceed the total of the following amounts:
2 the appropriations made under this heading, amounts billed
3 to Federal agencies and entities by the District of Columbia
4 for services provided at Saint Elizabeths Hospital, and
5 amounts authorized by titles XVIII and XIX of the Social
6 Security Act. This maximum amount shall not include Feder-
7 al funds appropriated to the District of Columbia under "Fed-
8 eral Payment to the District of Columbia" and payments
9 made pursuant to section 9(c) of Public Law 98-621.
10 Amounts chargeable to and available from Federal sources
11 for inpatient and outpatient services provided through Saint
12 Elizabeths Hospital as authorized by 24 U.S.C. 191, 196,
13 211, 212, 222, 253, and 324; 31 U.S.C. 1535; and 42
14 U.S.C. 249 and 251 shall not exceed the estimated total cost
15 of such services as computed using only the proportionate
16 amount of the direct Federal subsidy appropriated under this
17 heading.

18 OFFICE OF ASSISTANT SECRETARY FOR HEALTH
19 PUBLIC HEALTH SERVICE MANAGEMENT
20 For the expenses necessary for the Office of Assistant
21 Secretary for Health and for carrying out title III,
22 ~~(87)~~ XVII, and XX of the Public Health Service Act,
23 ~~(88)~~ ~~\$67,144,000~~ \$69,903,000, together with not to
24 exceed \$1,050,000 to be transferred and expended as author-
25 ized by section 201(g) of the Social Security Act from the

1 Federal Hospital Insurance and the Federal Supplementary
2 Medical Insurance Trust Funds referred to therein and
3 ~~(89)~~ \$3,950,000 \$7,500,000 to be transferred and expend-
4 ed for patient outcome assessment research as authorized by
5 section 9316 of Public Law 99-509, of which
6 ~~(90)~~ \$2,568,000 \$4,875,000 will come from the Federal
7 Hospital Insurance Trust Fund and ~~(91)~~ \$1,382,000
8 \$2,625,000 will come from the Federal Supplementary Medi-
9 cal Insurance Trust Fund, and, in addition, amounts received
10 from Freedom of Information Act fees, reimbursable and
11 interagency agreements and the sale of data tapes shall be
12 credited to this appropriation and shall remain available until
13 expended: *Provided*, That in addition to amounts provided
14 herein, up to \$10,155,000 shall be available from amounts
15 available under section 2313 of the Public Health Service
16 Act, to carry out the National Medical Expenditure Survey.

17 RETIREMENT PAY AND MEDICAL BENEFITS FOR
18 COMMISSIONED OFFICERS

19 For retirement pay and medical benefits of Public
20 Health Service Commissioned Officers as authorized by law,
21 and for payments under the Retired Serviceman's Family
22 Protection Plan and Survivor Benefit Plan and for medical
23 care of dependents and retired personnel under the Depend-
24 ents' Medical Care Act (10 U.S.C. ch. 55), and for payments
25 pursuant to section 229(b) of the Social Security Act (42

1 U.S.C. 429(b)), such amounts as may be required during the
2 current fiscal year.

3 VACCINE INJURY COMPENSATION TRUST FUND

4 For payments from the Vaccine Injury Compensation
5 Trust Fund, such sums as may be necessary for claims asso-
6 ciated with vaccine-related injury or death resolved during
7 the current fiscal year with respect to vaccines administered
8 after September 30, 1988, pursuant to subtitle 2 of title XXI
9 of the Public Health Service Act as amended by Public Law
10 100-203, and from such trust fund such sums as may be
11 necessary, not to exceed \$80,000,000, for compensation of
12 claims adjudicated by the United States Claims Court arising
13 from liability related to the administration of vaccines before
14 October 1, 1988 (92): *Provided*, That administrative ex-
15 penses of the Department of Health and Human Services
16 under the National Childhood Vaccine Injury Act of 1986
17 shall be reimbursed from the Trust Fund.

18 HEALTH CARE FINANCING ADMINISTRATION

19 GRANTS TO STATES FOR MEDICAID

20 For carrying out, except as otherwise provided, titles
21 XI and XIX of the Social Security Act,
22 (93) \$24,732,589,000 \$26,236,000,000 to remain available
23 until expended.

24 For making, after May 31, payments to States under
25 title XIX of the Social Security Act for the last quarter of

1 fiscal year 1989 for unanticipated costs, incurred for the cur-
2 rent fiscal year, such sums as may be necessary.

3 Payment under title XIX may be made for any quarter
4 beginning after June 30, 1988 and before October 1, 1989,
5 with respect to any State plan or plan amendment in effect
6 during any such quarter, if submitted in, or prior to such
7 quarter and approved in that or any such subsequent quarter.

8 For making payments to States under title XIX of the
9 Social Security Act for the first quarter of fiscal year 1990,
10 \$9,000,000,000, to remain available until expended.

11 PAYMENTS TO HEALTH CARE TRUST FUNDS

12 For payment to the Federal Hospital Insurance and the
13 Federal Supplementary Medical Insurance Trust Funds, as
14 provided under sections 217(g) and 1844 of the Social Secu-
15 rity Act, sections 103(c) and 111(d) of the Social Security
16 Amendments of 1965, and section 278(d) of Public Law
17 97-248, \$31,227,000,000.

18 PROGRAM MANAGEMENT

19 For carrying out, except as otherwise provided, titles
20 XI, XVIII, and XIX of the Social Security Act,
21 ~~(94)~~ \$93,817,000 \$94,417,000, together with not to
22 exceed ~~(95)~~ \$1,769,919,000 \$1,835,519,000 to be trans-
23 fered to this appropriation as authorized by section 201(g) of
24 the Social Security Act, from the Federal Hospital Insurance
25 and the Federal Supplementary Medical Insurance Trust
26 Funds or any other trust fund which may be established by

1 law for catastrophic coverage under the Medicare program:
2 *Provided, That* ~~(96) \$212,400,000~~ \$100,000,000 of said
3 trust funds shall be expended only to the extent necessary to
4 process workloads not anticipated in the budget estimates
5 ~~(97) of this Act (98), including the cost of administration~~
6 of catastrophic health insurance if enacted into law, and to
7 meet unanticipated costs of agencies or organizations with
8 which agreements have been made to participate in the ad-
9 ministration of title XVIII and after maximum absorption of
10 such costs within the remainder of the existing limitation has
11 been achieved: *Provided further, That* all funds derived in
12 accordance with 31 U.S.C. 9701, are to be credited to this
13 appropriation.

SOCIAL SECURITY ADMINISTRATION

PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

16 For payment to the Federal Old-Age and Survivors
17 Insurance and the Federal Disability Insurance Trust
18 Funds, as provided under sections 201(m), 217(g), 228(g),
19 and 1131(b)(2) of the Social Security Act, \$93,631,000.

SPECIAL BENEFITS FOR DISABLED COAL MINERS

21 For carrying out title IV of the Federal Mine Safety and
22 Health Act of 1977, including the payment of travel ex-
23 penses on an actual cost or commuted basis, to an individual,
24 for travel incident to medical examinations, and when travel
25 of more than 75 miles is required, to parties, their represent-
26 atives, and all reasonably necessary witnesses for travel

1 within the United States, Puerto Rico, and the Virgin Is-
2 lands, to reconsideration interviews and to proceedings before
3 administrative law judges, \$628,581,000, to remain available
4 until expended: *Provided*, That monthly benefit payments
5 shall be paid consistent with section 215(g) of the Social
6 Security Act.

7 For making, after July 31, of the current fiscal year,
8 benefit payments to individuals under title IV of the Federal
9 Mine Safety and Health Act of 1977, for costs incurred in the
10 current fiscal year, such amounts as may be necessary.

11 For making benefit payments under title IV of the Fed-
12 eral Mine Safety and Health Act of 1977 for the first quarter
13 of fiscal year 1990, \$211,000,000, to remain available until
14 expended.

15 **SUPPLEMENTAL SECURITY INCOME PROGRAM**

16 For carrying out the Supplemental Security Income
17 Program, title XI of the Social Security Act, section 401 of
18 Public Law 92-603, section 212 of Public Law 93-66, as
19 amended, and section 405 of Public Law 95-216, including
20 payment to the Social Security trust funds for administrative
21 expenses incurred pursuant to section 201(g)(1) of the Social
22 Security Act, \$9,473,953,000, to remain available until ex-
23 pended: *Provided*, That any portion of the funds provided to
24 a State in the current fiscal year and not obligated by the
25 State during that year shall be returned to the Treasury.

1 For making, after July 31 of the current fiscal year,
2 benefit payments to individuals under title XVI of the Social
3 Security Act, for unanticipated costs incurred for the current
4 fiscal year, such sums as may be necessary.

5 For carrying out the Supplemental Security Income
6 Program for the first quarter of fiscal year 1990,
7 \$2,936,000,000, to remain available until expended.

8 **LIMITATION ON ADMINISTRATIVE EXPENSES**

9 For necessary expenses, not more than
10 ~~(99)~~ \$3,705,000,000 \$3,820,000,000, may be expended, as
11 authorized by section 201(g)(1) of the Social Security Act,
12 from any one or all of the trust funds referred to therein:
13 *Provided*, That travel expense payments under section
14 1631(h) of such Act for travel to hearings may be made only
15 when travel of more than seventy-five miles is required: *Pro-*
16 *vided further*, That \$97,870,000 of the foregoing amount
17 shall be apportioned for use only to the extent necessary to
18 process workloads not anticipated in the budget estimates, for
19 automation projects and their impact on the work force, and
20 to meet mandatory increases in costs of agencies or organiza-
21 tions with which agreements have been made to participate
22 in the administration of titles XVI and XVIII and section
23 221 of the Social Security Act, and after maximum absorp-
24 tion of such costs within the remainder of the existing limita-
25 tion has been achieved: *Provided further*, That none of the
26 funds appropriated by this Act may be used for the manufac-

1 ture, printing, or procuring of social security cards, as provid-
2 ed in section 205(c)(2)(D) of the Social Security Act, where
3 paper and other materials used in the manufacture of such
4 cards are produced, manufactured, or assembled outside of
5 the United States (100): *Provided further, That notwithstanding*
6 *any other provision of law, amounts appropriated*
7 *by this Act for the Social Security Administration shall be*
8 *used to maintain not less than 66,545 full-time equivalent*
9 *positions.*

10 **FAMILY SUPPORT ADMINISTRATION**

11 **FAMILY SUPPORT PAYMENTS TO STATES**

12 For making payments to States or other non-Federal
13 entities, except as otherwise provided, under titles I, IV-A
14 and -D, X, XI, XIV, and XVI of the Social Security
15 Act and the Act of July 5, 1960 (24 U.S.C., ch. 9),
16 (101) ~~\$7,855,137,000~~ \$8,204,337,000, to remain available
17 until expended.

18 For making, after May 31 of the current fiscal year,
19 payments to States or other non-Federal entities under
20 titles I, IV-A and -D, X, XI, XIV, and XVI of the Social
21 Security Act, for the last three months of the current year for
22 unanticipated costs, incurred for the current fiscal year, such
23 sums as may be necessary.

24 For making payments to States or other non-Federal
25 entities under titles I, IV-A and -D, X, XI, XIV, and XVI

1 of the Social Security Act, and the Act of July 5, 1960 (24
2 U.S.C., ch. 9) for the first quarter of fiscal year 1990,
3 ~~(102)~~ \$2,644,000,000 \$2,700,000,000, to remain available
4 until expended.

5 **LOW INCOME HOME ENERGY ASSISTANCE**

6 For making payments under title XXVI of the Omnibus
7 Budget Reconciliation Act of 1981, ~~(103)~~ \$1,567,000,000
8 \$1,187,000,000.

9 **(104) REFUGEE AND ENTRANT ASSISTANCE**

10 *For making payments for refugee and entrant assist-
11 ance activities authorized by title IV of the Immigration and
12 Nationality Act and section 501 of the Refugee Education
13 Assistance Act of 1980 (Public Law 96-422), \$400,000,000.*

14 **(105) WORK INCENTIVES**

15 *For carrying out a work incentive program, as author-
16 ized by part C of title IV of the Social Security Act, includ-
17 ing registration of individuals for such programs, and for
18 related child care and other supportive services, as authorized
19 by section 402(a)(19)(G) of the Act, including transfer to the
20 Secretary of Labor, as authorized by section 431 of the Act,
21 \$92,551,000 which shall be the maximum amount available
22 for transfer to the Secretary of Labor and to which the States
23 may become entitled pursuant to section 403(d) of such Act,
24 for these purposes.*

1 COMMUNITY SERVICES BLOCK GRANT

2 For making payments under the Community Services
3 Block Grant Act and section 408 of Public Law 99-425,
4 ~~(106)~~ ~~\$354,398,000~~ ~~\$385,864,000~~ of which
5 ~~(107)~~ ~~\$20,000,000~~ ~~\$21,000,000~~ shall be for carrying out
6 section 681(a)(2)(A), ~~(108)~~ ~~\$3,925,000~~ ~~\$4,200,000~~ shall be
7 for carrying out section 681(a)(2)(D), ~~(109)~~ ~~\$2,968,000~~
8 ~~\$3,000,000~~ shall be for carrying out section 681(a)(2)(E),
9 ~~(110)~~ ~~\$7,000,000~~ ~~\$6,500,000~~ shall be for carrying out sec-
10 tion 681(a)(2)(F), ~~(111)~~ ~~\$239,000~~ shall be for carrying out
11 section 681(a)(3), ~~(112)~~ ~~\$2,872,000~~ ~~\$4,000,000~~ shall be for
12 carrying out section 408 of Public Law 99-425 and
13 ~~(113)~~ ~~\$2,394,000~~ ~~\$2,500,000~~ shall be for carrying out sec-
14 tion 681A with respect to the community food and nutrition
15 program.

16 PROGRAM ADMINISTRATION

17 For necessary administrative expenses to carry out titles
18 I, IV, X, XI, XIV, and XVI of the Social Security Act, the
19 Act of July 5, 1960 (24 U.S.C., ch. 9), title XXVI of the
20 Omnibus Budget Reconciliation Act of 1981, the Community
21 Services Block Grant Act, title IV of the Immigration and
22 Nationality Act and section 501 of the Refugee Education
23 Assistance Act of 1980, ~~(114)~~ ~~\$79,533,000~~ ~~\$82,464,000~~.

1 ASSISTANT SECRETARY FOR HUMAN DEVELOPMENT

2 SERVICES

3 SOCIAL SERVICES BLOCK GRANT

4 For carrying out the Social Services Block Grant Act,

5 \$2,700,000,000.

6 HUMAN DEVELOPMENT SERVICES

7 For carrying out, except as otherwise provided,

8 ~~(115)~~ *the Runaway and Homeless Youth Act*, the Older

9 Americans Act of 1965, the Developmental Disabilities As-

10 sistance and Bill of Rights Act, the Child Abuse Prevention

11 and Treatment Act, section 404 of Public Law 98-473, the

12 Family Violence Prevention and Services Act (title III of

13 Public Law 98-457), the Native American Programs Act,

14 title II of Public Law ~~(116)~~ ~~95-266~~ 100-294 (adoption op-

15 portunities), ~~(117)~~ *title II of the Children's Justice and As-*

16 *sistance Act of 1986*, chapter 8-D of title VI of the Omnibus

17 Budget Reconciliation Act of 1981 (pertaining to grants to

18 States for planning and development of dependent care pro-

19 grams), the Head Start Act, the Comprehensive Child Devel-

20 opment Centers Act of 1988, the Child Development Associ-

21 ate Scholarship Assistance Act of 1985, and part B of title

22 IV and section 1110 of the Social Security Act,

23 ~~(118)~~ ~~\$2,531,808,000~~ \$2,575,465,000 ~~(119)~~, of which

24 \$8,750,000 shall be made available to carry out the State

25 *Dependent Care Development Grants Act* (42 U.S.C. 9871

26 *et seq.*), and an additional \$3,250,000 shall be made avail-

1 *able to carry out such Act (120): Provided, That appropria-*
2 *tions to carry out the Comprehensive Child Development*
3 *Program under chapter 8, subchapter E of the Omnibus*
4 *Budget Reconciliation Act of 1981, shall be available not-*
5 *withstanding section 670T(b) of that Act.*

6 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

7 ASSISTANCE

8 For carrying out part E of title IV of the Social
9 Security Act, (121) ~~\$1,074,907,000~~ \$1,119,907,000.

10 DEPARTMENTAL MANAGEMENT

11 GENERAL DEPARTMENTAL MANAGEMENT

12 For necessary expenses, not otherwise provided, for
13 general departmental management, including hire of six
14 medium sedans, (122) ~~\$68,160,000~~ \$64,860,000, together
15 with not to exceed \$7,000,000, to be transferred and expend-
16 ed as authorized by section 201(g)(1) of the Social Security
17 Act from any one or all of the trust funds referred to there-
18 in (123): *Provided, That not to exceed \$350,000 may be*
19 *made available for the establishment of a high quality, popu-*
20 *lation based cancer registry in the metropolitan Cleveland,*
21 *Ohio area.*

22 OFFICE OF THE INSPECTOR GENERAL

23 For expenses necessary for the Office of the Inspector
24 General, \$46,430,000, together with not to exceed
25 \$40,000,000, to be transferred and expended as authorized

1 by section 201(g)(1) of the Social Security Act from any one
2 or all of the trust funds referred to therein.

OFFICE FOR CIVIL RIGHTS

4 For expenses necessary for the Office for Civil Rights,
5 \$16,173,000, together with not to exceed \$4,000,000, to be
6 transferred and expended as authorized by section 201(g)(1)
7 of the Social Security Act from any one or all of the trust
8 funds referred to therein.

POLICY RESEARCH

10 For carrying out, to the extent not otherwise provided,
11 research studies under section 1110 of the Social Security
12 Act, ~~(124)~~ \$8,373,000 \$7,519,000: *Provided*, That not less
13 than ~~(125)~~ \$3,500,000 \$2,500,000 shall be obligated to
14 continue research on poverty conducted by the Institute for
15 Research on Poverty.

GENERAL PROVISIONS

17 SEC. 201. None of the funds appropriated by this title
18 for grants-in-aid of State agencies to cover, in whole or in
19 part, the cost of operation of said agencies, including the sal-
20 aries and expenses of officers and employees of said agencies,
21 shall be withheld from the said agencies of any State which
22 have established by legislative enactment and have in oper-
23 ation a merit system and classification and compensation plan
24 covering the selection, tenure in office, and compensation of
25 their employees, because of any disapproval of their person-

1 nel or the manner of their selection by the agencies of the
2 said States, or the rates of pay of said officers or employees.

3 SEC. 202. None of the funds made available by this Act
4 for the National Institutes of Health, except for those appro-
5 priated to the "Office of the Director," may be used to pro-
6 vide forward funding or multiyear funding of research project
7 grants except in those cases where the Director of the Na-
8 tional Institutes of Health has determined that such funding
9 is specifically required because of the scientific requirements
10 of a particular research project grant.

11 SEC. 203. Appropriations in this or any other Act shall
12 be available for expenses for active commissioned officers in
13 the Public Health Service Reserve Corps and for not to
14 exceed 2,400 commissioned officers in the Regular Corps;
15 expenses incident to the dissemination of health information
16 in foreign countries through exhibits and other appropriate
17 means; advances of funds for compensation, travel, and sub-
18 sistence expenses (or per diem in lieu thereof) for persons
19 coming from abroad to participate in health or scientific ac-
20 tivities of the Department pursuant to law; expenses of pri-
21 mary and secondary schooling of dependents in foreign coun-
22 tries, of Public Health Service commissioned officers sta-
23 tioned in foreign countries, at costs for any given area not in
24 excess of those of the Department of Defense for the same
25 area, when it is determined by the Secretary that the schools

1 available in the locality are unable to provide adequately for
2 the education of such dependents, and for the transportation
3 of such dependents, between such schools and their places of
4 residence when the schools are not accessible to such depend-
5 ents by regular means of transportation; expenses for medical
6 care for civilian and commissioned employees of the Public
7 Health Service and their dependents, assigned abroad on a
8 permanent basis in accordance with such regulations as the
9 Secretary may provide; rental or lease of living quarters (for
10 periods not exceeding five years), and provision of heat, fuel,
11 and light and maintenance, improvement, and repair of such
12 quarters, and advance payments therefor, for civilian officers,
13 and employees of the Public Health Service who are United
14 States citizens and who have a permanent station in a foreign
15 country; purchase, erection, and maintenance of temporary or
16 portable structures; and for the payment of compensation to
17 consultants or individual scientists appointed for limited peri-
18 ods of time pursuant to section 207(f) or section 207(g) of the
19 Public Health Service Act, at rates established by the Assist-
20 ant Secretary for Health, or the Secretary where such action
21 is required by statute, not to exceed the per diem rate equiva-
22 lent to the rate for GS-18; not to exceed \$9,500 for official
23 reception and representation expenses related to any health
24 agency of the Department when specifically approved by the
25 Assistant Secretary for Health.

1 SEC. 204. None of the funds contained in this Act shall
2 be used to perform abortions except where the life of the
3 mother would be endangered if the fetus were carried to
4 term (126), or except for such medical procedures necessary
5 for the victims of rape or incest, when such rape or incest has
6 been reported promptly to a law enforcement agency or public
7 health service; nor are payments prohibited for drugs to pre-
8 vent implantation of the fertilized ovum, or for medical proce-
9 dures necessary for the termination of ectopic pregnancy:
10 *Provided, however, That the several States are and shall*
11 *remain free not to fund abortions to the extent that they in*
12 *their sole discretion deem appropriate, except where the life of*
13 *the mother would be endangered if the fetus were carried to*
14 *term.*

15 SEC. 205. Funds advanced to the National Institutes of
16 Health Management Fund from appropriations in this Act
17 shall be available for the expenses of sharing medical care
18 facilities and resources pursuant to section 327A of the
19 Public Health Service Act.

20 SEC. 206. Funds appropriated in this title for the Social
21 Security Administration shall be available for not to exceed
22 \$10,000 for official reception and representation expenses
23 when specifically approved by the Commissioner of Social
24 Security.

1 SEC. 207. Funds appropriated in this title for the
2 Health Care Financing Administration shall be available for
3 not to exceed \$2,000 for each fiscal year for official reception
4 and representation expenses when specifically approved by
5 the Administrator of the Health Care Financing Adminis-
6 tration.

7 SEC. 208. No funds appropriated for the fiscal year
8 ending September 30, 1989, by this or any other Act, may be
9 used to pay basic pay, special pays, basic allowances for sub-
10 sistence and basic allowances for quarters of the commis-
11 sioned corps of the Public Health Service described in section
12 204 of title 42, United States Code, at a level that exceeds
13 110 percent of the Executive Level I annual rate of basic
14 pay: *Provided*, That amounts received from employees of the
15 Department in payment for room and board may be credited
16 to the appropriation accounts which finance the services:
17 *Provided further*, That none of the funds made available by
18 this Act shall be used to provide special retention pay
19 (bonuses) under paragraph (4) of 37 U.S.C. 302(a) to any
20 regular or reserve medical officer of the Public Health Serv-
21 ice for any period during which the officer is assigned to the
22 clinical, research, or staff associate program administered by
23 the National Institutes of Health.

24 SEC. 209. None of the funds appropriated in this title
25 shall be used to transfer the general administration of pro-

1 grams authorized under the Native American Programs Act
2 from the Department of Health and Human Services to the
3 Department of the Interior.

4 SEC. 210. Funds provided in this Act may be used for
5 one-year contracts which are to be performed in two fiscal
6 years, so long as the total amount for such contracts is obli-
7 gated in the year for which the funds are appropriated.

8 SEC. 211. The Secretary shall make available through
9 assignment not more than 60 employees of the Public Health
10 Service, who shall be exempt from all FTE limitations in the
11 Department, to assist in child survival activities and to work
12 in AIDS programs through and with funds provided by the
13 Agency for International Development, the United Nations
14 International Children's Emergency Fund or the World
15 Health Organization. In addition, commissioned officers as-
16 signed under this section shall be exempt from all limitations
17 on the number and grade of officers in the Public Health
18 Service Commissioned Corps.

19 SEC. 212. For the purpose of insuring proper manage-
20 ment of federally supported computer systems and data
21 bases, funds appropriated by this Act are available for the
22 purchase of dedicated telephone service between the private
23 residences of employees assigned to computer centers funded
24 under this Act, and the computer centers to which such em-
25 ployees are assigned.

1 SEC. 213. Funds available in this title for activities re-
2 lated to acquired immune deficiency syndrome (AIDS) may
3 be transferred between appropriation accounts upon the
4 approval by the House and Senate Committees on Appro-
5 priations of a transfer request submitted by the Secretary of
6 Health and Human Services.

7 SEC. 214. Funds made available for fiscal year 1989
8 and hereafter to the National Institutes of Health shall be
9 available for payment of nurses and allied health profes-
10 als ~~(127) at the rates of pay and with schedule options and~~
11 ~~benefits and other authorities authorized for similiar employ-~~
12 ~~ees of the Veterans Administration pursuant to 38 U.S.C.~~
13 ~~4107 and 4111 using pay, schedule options, benefits, and~~
14 ~~other authorities as provided for the nurses of the Veterans'~~
15 *Administration under 38 U.S.C. chapter 73.*

16 ~~(128)~~ SEC. 215. *The National Institutes of Health is*
17 *directed, without regard to 31 U.S.C. 3324 or 41 U.S.C. 5,*
18 *to enter into a lease-purchase contract for construction on the*
19 *NIH campus in Bethesda, Maryland, an office building of*
20 *approximately 700,000 gross square feet, together with neces-*
21 *sary underground and multi-level parking, and funds made*
22 *available in this and subsequent fiscal years for operations of*
23 *the National Institutes of Health shall be available to carry*
24 *out the conditions of the lease-purchase contract.*

1 (129) SEC. 216. Of the funds appropriated in this Act
2 for the National Institutes of Health, a reduction of
3 \$6,765,000 is to be applied to all appropriations as a result
4 of improved procurement practices.

5 (130) SEC. 217. NIH Building Numbered 31 is
6 hereby named the Claude Denson Pepper Building.

7 (131) SEC. 218. Funds appropriated by this Act may
8 be used to pay physicians' comparability allowances as au-
9 thorized under 5 U.S.C. 5948.

10 (132) SEC. 219. Section 465(B) of 42 U.S.C. 286 is
11 amended by inserting between (5) and (6) an additional
12 charge to the Secretary to "publicize the availability of the
13 above products and services of the National Library of Medi-
14 cine".

15 (133) SEC. 220. Notwithstanding any other provision
16 of law, no personnel ceilings may be imposed nor any action
17 may be taken to restrict the full-time equivalent (FTE) levels
18 for Public Health Service programs, projects, and activities
19 funded by this or any other Act.

20 (134) SEC. 221. (a)(1) In enacting this section Con-
21 gress hereby—

22 (A) recognizes the national and international legal
23 protection granted chimpanzees under the Endangered
24 Species Act and the Convention of International Trade
25 of Endangered Species, to which the United States is

1 *a signatory, and also the World Health Organization's*
2 *Policy Statement on Use of Primates for Biomedical*
3 *Purposes, all of which acknowledges the threatened or*
4 *endangered status of the chimpanzee; and*

5 *(B) acknowledges that substantial public monies*
6 *are already being expended on a National Chimpanzee*
7 *Breeding and Research Program in the United States.*

8 *(2) No funds appropriated under this Act or any other*
9 *provisions of law shall be used by the National Institutes of*
10 *Health, or any other Federal agency, or recipient of Federal*
11 *funds and be expended on any project that entail the capture*
12 *or procurement of chimpanzees obtained from the wild.*

13 *(3) For purposes of this section, the term "recipient of*
14 *Federal funds" includes private citizens, corporations, or*
15 *other research institutions located outside of the United*
16 *States that are recipients of Federal funds.*

17 **(135) SEC. 222.** *Notwithstanding any other provision*
18 *of this Act, or amendment thereto none of the funds made*
19 *available by this Act shall be used in materials, curriculums,*
20 *or programs that promote or encourage homosexuality, or to*
21 *use words stating that homosexuality is "normal," "natu-*
22 *ral," or "healthy."*

23 **(136) SEC. 223.** *None of the funds made available*
24 *under this Act, or an amendment made by this Act for the*
25 *Department of Health and Human Services including funds*

1 provided for under the heading *GRANTS TO STATES FOR ME-*
2 *DICAID shall be used on the premises of any elementary or*
3 *secondary school to provide the following: abortions, transpor-*
4 *tation to aid in obtaining an abortion, counseling to encour-*
5 *age a child to obtain an abortion, or referrals for obtaining an*
6 *abortion.*

7 **(137)** SEC. 224. During the 12-month period begin-
8 ning October 1, 1988, none of the funds made available
9 under this Act may be used to impose any reductions in pay-
10 ments, or to seek repayment from or to withhold any payment
11 to any State pursuant to sections 427 or 471 of the Social
12 Security Act, as a result of a disallowance determination
13 made in connection with a compliance review for any Feder-
14 al fiscal year preceding Federal fiscal year 1989, until all
15 judicial proceedings, including appeals, relating to such dis-
16 allowance determination have been finally concluded, nor
17 may such funds be used to conduct further compliance re-
18 views with respect to any State which is a party to such
19 judicial proceeding until such proceeding has been finally
20 concluded.

21 **(138)** SEC. 225. (a) The Senate finds that—

22 (1) the Low Income Home Energy Assistance
23 Program is a critical component of the Nation's
24 "safety net" protecting the lives of the most vulnerable
25 in our society through providing assistance to poor

1 *families unable to afford to heat their homes in the*
2 *winter and cool them in the summer;*

3 *(2) the average recipient of the Low Income Home*
4 *Energy Assistance Program has an income of 72 per-*
5 *cent of the poverty level and nearly 40 percent are el-*
6 *derly or have an elderly member in the household;*

7 *(3) prolonged periods of very hot or very cold*
8 *weather claim more lives nationally than any other*
9 *natural disaster, with older persons as the primary vic-*
10 *tims of such disasters;*

11 *(4) if enacted at the level recommended by the*
12 *President's budget, Federal funding for the Low*
13 *Income Home Energy Assistance Program will have*
14 *been cut 34 percent in the last 2 years;*

15 *(5) the Department of Health and Human Serv-*
16 *ices estimates that in fiscal year 1988 500,000 house-*
17 *holds were dropped from the program and the average*
18 *Low Income Home Energy Assistance Program benefit*
19 *declined 3 percent to below \$200 per year, with many*
20 *States reporting the elimination of weatherization as-*
21 *sistance, the reduction of crisis assistance, a cut in the*
22 *summer cooling program and the early termination of*
23 *programs, in order to cope with the 16 percent cut; and*

1 (6) the budget summit agreement stipulated that
2 in implementing the budget agreement essential pro-
3 grams serving the poor should have a priority.

4 (b) Therefore, it is the sense of the Senate that priority
5 be given to providing an appropriation for the Low Income
6 Home Energy Assistance Program in an amount not less
7 than the fiscal year 1988 appropriation.

8 **(139)** SEC. 226. None of the funds made available
9 under this Act shall be used to waive the minimal risk stand-
10 ard for fetal research.

11 This title may be cited as the "Department of Health
12 and Human Services Appropriations Act, 1989".

13 TITLE III—DEPARTMENT OF EDUCATION

14 COMPENSATORY EDUCATION FOR THE DISADVANTAGED

15 For carrying out the activities authorized by chapter 1
16 of title I of the Elementary and Secondary Education Act of
17 1965, as amended, **(140)** \$4,663,719,000 \$4,589,800,000,
18 of which a total of \$8,000,000 **(141)** shall be available for
19 purposes of sections 1437 and 1463 and **(142)** which
20 \$4,000,000 for subpart 3 of part F, shall become available
21 on October 1, 1988 and remain available until September 30,
22 1989, and may be expended by the Secretary at any time
23 during that period; and the remaining
24 **(143)** \$4,655,719,000 \$4,577,800,000 shall become avail-
25 able on July 1, 1989 and shall remain available until Sep-

1 tember 30, 1990: *Provided*, That of these remaining funds,
2 \$3,900,000,000 shall be available for the purposes of section
3 1005, ~~(144)~~ \$200,000,000 \$175,000,000 shall be available
4 for the purposes of section 1006, ~~(145)~~ \$30,000,000 shall
5 be available for the purposes of section 1017(d), \$25,000,000
6 shall be available for the purposes of part B,
7 ~~(146)~~ \$269,029,000 \$275,000,000 shall be available for
8 the purposes of subpart 1 of part D, ~~(147)~~ \$151,269,000
9 \$150,000,000 shall be available for the purposes of subpart 2
10 of part D, ~~(148)~~ \$32,616,000 \$32,000,000 shall be avail-
11 able for the purposes of subpart 3 of part D,
12 ~~(149)~~ \$42,050,000 \$41,000,000 shall be available for the
13 purposes of section 1404, and ~~(150)~~ \$5,755,000
14 \$4,800,000 shall be available for the purposes of section
15 1405~~(151)~~: *Provided further*, That no State shall receive
16 less than \$340,000 under section 1006 from the amounts
17 made available under this appropriation for section 1006.

18 For carrying out section 418A of the Higher Education
19 Act, ~~(152)~~ \$8,900,000 \$8,776,000.

20 IMPACT AID

21 For carrying out title I of the Act of September 30,
22 1950, as amended (20 U.S.C. ch. 13), ~~(153)~~ \$715,000,000
23 \$714,036,000, of which ~~(154)~~ \$10,000,000, which shall
24 remain available until expended, shall be for payments under
25 section 7 of said Act, \$15,000,000 shall be for entitlements
26 under section 2 of said Act, and ~~(155)~~ \$690,000,000

1 \$699,036,000 shall be for entitlements under section 3 of
2 said Act of which ~~(156)~~ \$553,000,000 \$565,000,000 shall
3 be for entitlements under section 3(a) of said Act ~~(157)~~:
4 *Provided, That any school district that received an overpay-
5 ment under section 2 in fiscal year 1984 funds and also
6 received 30.13 per centum of such sum in an overpayment of
7 the subsequent fiscal year's funds, is relieved of the liability
8 to repay those sums, together with interest on such sums.*

9 For carrying out the Act of September 23, 1950, as
10 amended (20 U.S.C. ch. 19), \$25,000,000, which shall
11 remain available until expended, shall be for providing school
12 facilities as authorized by said Act, of which \$10,000,000
13 shall be for awards under section 10 of said Act,
14 \$12,000,000 shall be for awards under sections 14(a) and
15 14(b) of said Act, and \$3,000,000 shall be for awards under
16 sections 5 and 14(c) of said Act.

17 SCHOOL IMPROVEMENT PROGRAMS

18 For carrying out the activities authorized by chapter 2
19 of title I, part A of title II, title III, part A, (158) part B,
20 subpart 1 (159) and subpart 2 of part C, and part E of title
21 IV, (160) sections 4601 and 4605, section 4604, title V,
22 and parts A and C of title VI of the Elementary and Second-
23 ary Education Act of 1965, as amended; section 722 of the
24 Stewart B. McKinney Homeless Assistance Act; section 403
25 of the Civil Rights Act of 1964; subpart 2 of part C and
26 subpart 2 of part D of title V of the Higher Education Act,

1 as amended; (161) part B of title III title IV of Public Law
2 100-297; title IX of the Education for Economic Security
3 Act; and the Follow Through Act, (162) \$1,118,538,000
4 \$1,088,180,000: *Provided*, That of the amounts provided,
5 (163) \$517,430,000 \$476,000,000 shall be for chapter 2 of
6 title I of the Elementary and Secondary Education Act, of
7 which (164) \$489,500,000 \$447,700,000 for part A shall
8 become available on July 1, 1989 and remain available until
9 September 30, 1990 and (165) \$27,930,000 \$28,300,000
10 for part B (166) *including \$1,000,000 for national school*
11 *volunteer programs* shall become available on October 1,
12 1988: *Provided further*, That, (167) \$114,888,000
13 \$130,000,000 for grants to States and Outlying Areas under
14 part A of title II, (168) \$10,000,000 for part B,
15 (169) \$3,000,000 \$2,500,000 for subpart 1 (170) and
16 \$1,000,000 for subpart 2 of part C of title IV, and
17 \$207,000,000 for grants to States and Outlying Areas under
18 title V of the Elementary and Secondary Education Act,
19 \$4,358,000 for subpart 2 of part C of title V of the Higher
20 Education Act, and (171) \$4,787,000 \$5,000,000 for sec-
21 tion 722 of the Stewart B. McKinney Homeless Assistance
22 Act shall become available on July 1, 1989 and shall remain
23 available until September 30, 1990: *Provided further*, That,
24 of the amounts provided, \$115,000,000 shall be for title III,
25 (172) \$9,000,000 shall be for section 2012 and \$1,500,000

1 shall be for section 6201(d) of the Elementary and Secondary
2 Education Act.

3 Unobligated balances of funds appropriated for fiscal
4 years 1985 and 1986 for title VI of the Education for Eco-
5 nomic Security Act shall be available until September 30,
6 1989 for carrying out activities authorized by ~~(173)~~ section
7 ~~4601~~ part F of title IV of which not less than \$1,000,000
8 shall be for activities authorized by section 4603 of the Ele-
9 mentary and Secondary Education Act.

10 BILINGUAL, IMMIGRANT, AND REFUGEE EDUCATION

11 For carrying out, to the extent not otherwise provided,
12 title VII and part D of title IV of the Elementary and Sec-
13 ondary Education Act and part B of title III of the Refugee
14 Act of 1980, ~~(174)~~ ~~\$201,782,000~~ \$197,009,000, of which
15 \$112,106,000 shall be for part A, \$10,903,000 shall be for
16 part B, ~~(175)~~ ~~\$33,564,000~~ \$28,000,000 shall be for part C
17 of title VII ~~(176)~~ of which no funds shall be used for activi-
18 ties authorized by section 7043 and \$30,000,000 shall be for
19 part D of title IV of the Elementary and Secondary Educa-
20 tion Act.

21 EDUCATION FOR THE HANDICAPPED

22 For carrying out the Education of the Handicapped Act,
23 ~~(177)~~ ~~\$1,921,882,000~~ \$2,008,623,000, of which
24 ~~(178)~~ ~~\$1,478,539,000~~ \$1,508,200,000 for section 611,
25 ~~(179)~~ ~~\$205,075,000~~ \$250,000,000 for section 619, and
26 ~~(180)~~ ~~\$68,358,000~~ \$73,000,000 for section 685 shall

1 become available for obligation on July 1, 1989, and shall
2 remain available until September 30, 1990: *Provided*, That
3 up to \$479,000 may be used for section 621(d) of said Act.

4 REHABILITATION SERVICES AND HANDICAPPED RESEARCH

5 For carrying out, to the extent not otherwise provided,
6 the Rehabilitation Act of 1973 and the Helen Keller National
7 Center Act, as amended, ~~(181) \$1,656,592,000~~
~~8 \$1,669,395,000~~, of which ~~(182) \$1,441,577,000~~
9 \$1,450,000,000 shall be for allotments under sections
10 100(b)(1) and 110(b)(3) of the Rehabilitation Act, ~~(183) and~~
11 ~~\$16,590,000~~ \$17,200,000 shall be for special demonstration
12 programs under sections 311 (a), (b), and (c),
13 ~~(184) \$750,000 shall be for carrying out section 202(j)(1)~~
14 and ~~(185) \$5,000,000~~ \$4,800,000 shall be for the Helen
15 Keller National Center.

16 ~~(186) Of the funds provided under the heading "Reha-~~
17 ~~bilitation Services and Handicapped Research" in fiscal~~
18 ~~year 1987 in Public Law 99-500 and Public Law 99-501,~~
19 ~~for carrying out the Rehabilitation Act of 1973, which are~~
20 ~~unobligated, the sum of \$500,000 is reappropriated for an~~
21 ~~allotment under section 100(b)(1) of the Rehabilitation Act of~~
22 ~~1973 to Montana for obligations incurred by Montana~~
23 ~~during fiscal year 1987.~~

24 VOCATIONAL AND ADULT EDUCATION

25 For carrying out, to the extent not otherwise provided,
26 the Carl D. Perkins Vocational Education Act, the Adult

1 Education Act (187) including section 372 of said Act, and
2 section 702 of the Stewart B. McKinney Homeless Assist-
3 ance Act, (188) ~~\$1,091,966,000~~ \$1,084,130,000 which
4 shall become available for obligation on July 1, 1989, and
5 shall remain available until September 30, 1990: *Provided*,
6 That (189) ~~\$25,658,000~~ \$26,800,000 shall be available for
7 title IV of the Carl D. Perkins Vocational Education Act, of
8 which (190) ~~\$7,276,000~~ \$7,050,000 shall be for part A,
9 including \$5,744,000 for section 404, (191) ~~\$14,361,000~~
10 \$14,750,000 shall be for section 411 (192) and ~~\$431,000~~
11 shall be for section 415 of part B, and (193) ~~\$3,590,000~~
12 \$5,000,000 shall be for part C of said title: *Provided further*,
13 That (194) ~~\$7,851,000~~ \$8,000,000 shall be available for
14 State councils under section 112 of the Carl D. Perkins Vo-
15 cational Education Act: *Provided further*, That
16 (195) ~~\$6,845,000~~ \$9,000,000 shall be made available to
17 carry out title III-A and (196) ~~\$32,791,000~~ \$34,250,000
18 shall be made available for title III-B of said Vocational
19 Education Act: *Provided further*, That (197) ~~\$3,734,000~~
20 \$3,900,000 shall be available for part E of title IV of the
21 Carl D. Perkins Vocational Education Act: *Provided further*,
22 That \$2,000,000 provided herein for part D of the Adult
23 Education Act shall be only for section 383 of said Act.

24 STUDENT FINANCIAL ASSISTANCE

25 For carrying out subparts 1, 2, and 3 of part A and
26 parts C, D, and E of title IV of the Higher Education Act, as

1 amended, (198) ~~\$5,907,736,000~~ \$5,833,845,000, which
2 shall remain available until September 30, 1990: *Provided*,
3 That the maximum Pell grant that a student may receive in
4 the 1989-90 award year shall be \$2,300 (199): *Provided*
5 further, *That notwithstanding section 479A of the Higher*
6 *Education Act of 1965 (20 U.S.C. 1001 et seq.), student*
7 *financial aid administrators shall be authorized, on the basis*
8 *of adequate documentation, to make necessary adjustments to*
9 *the cost of attendance and expected student or parent contri-*
10 *bution (or both) and to use supplementary information about*
11 *the financial status or personal circumstances of eligible ap-*
12 *plicants only for purposes of selecting recipients and deter-*
13 *mining the amount of awards under subpart 2 of part A, and*
14 *parts B, C, and E of title IV of the Act: Provided further,*
15 *That notwithstanding section 411F(1) of the Higher Educa-*
16 *tion Act of 1965, as amended (20 U.S.C. 1001 et seq.), the*
17 *term "annual adjusted family income" shall, under special*
18 *circumstances prescribed by the Secretary of Education,*
19 *mean the sum received in the first calendar year of the award*
20 *year from the sources described in that section (200): Pro-*
21 *vided further, That notwithstanding section 484 of the*
22 *Higher Education Act of 1965, as amended (20 U.S.C.*
23 *1001 et seq.), in order for a student to be eligible to receive*
24 *grant, loan, or work assistance under title IV of that Act,*
25 *that student shall be required to have earned a high school*

1 diploma or its recognized equivalent if (1) that student is
2 enrolled or accepted for enrollment in a course of study of less
3 than one year in preparation for an occupation for which the
4 student must be certified by an agency other than the eligible
5 institution or institution of higher education in order to begin
6 practice or service, and (2) a high school diploma or its recog-
7 nized equivalent is a requirement for that certification.

GUARANTEED STUDENT LOANS

9 For necessary expenses under title IV, part B of the
10 Higher Education Act, \$3,174,400,000, to remain available
11 until expended.

HIGHER EDUCATION

13 For carrying out title III of the Higher Education Act
14 of 1965, as amended, (201) ~~\$180,000,000~~ \$169,978,000,
15 of which up to (202) ~~\$18,000,000~~ \$7,700,000 for section
16 332 of part C of title III of said Act shall remain available
17 until expended: *Provided*, That (203) ~~\$82,500,000~~
18 \$84,978,000 of funds appropriated for title III of said Act
19 shall be available only to historically black colleges and uni-
20 versities (204), of which \$4,500,000 is available until ex-
21 pended under section 403 of H.J. Res. 90, as passed by the
22 Senate, if enacted: *Provided further*, That up to \$7,300,000
23 of funds appropriated for part A of title III of said Act shall
24 be available for non-competing continuation awards made to
25 four-year institutions in fiscal year 1988.

1 For carrying out subparts 4 and 6 of part A of title IV;
2 part B and subpart 1 of part D of title V; titles VI and VIII;
3 part D of title VII; parts A, B, C, D, E, and F of title IX;
4 subpart 1 of part B and parts A and C of title X; and sections
5 420A and 1204(c) of the Higher Education Act of 1965, as
6 amended; title XIII, part H, subpart 1 of the Education
7 Amendments of 1980, as amended; and section 102(b)(6) of
8 the Mutual Educational and Cultural Exchange Act of 1961,
9 ~~(205)~~ \$397,368,000 \$373,530,000, of which \$22,744,000
10 for part D of title VII shall remain available until expended:
11 *Provided*, That \$8,300,000 provided herein for carrying out
12 subpart 6 of part A of title IV shall be available notwithstanding
13 standing sections 419G(b) and 419I(a) of the Higher Educa-
14 tion Act of 1965 (20 U.S.C. 1070d-37(b) and 1070d-39(a));
15 *Provided further*, That ~~(206)~~ \$2,000,000 of the amount
16 provided herein for subpart 4 \$1,000,000 of the amount pro-
17 vided herein for subpart 4 of part A of title IV of the Higher
18 Education Act shall be for the Ronald E. McNair Post-Bac-
19 calaureate Achievement Program ~~(207)~~: *Provided further*,
20 *That \$239,000 of the amount provided for part B of title IX*
21 *shall be competitively awarded to a consortium of historically*
22 *black colleges and doctoral degree-granting institutions to*
23 *provide supplemental need-based financial aid to students*
24 *and faculty from historically black colleges who are pursuing*
25 *doctoral studies* ~~(208)~~: *Provided further, That the Secretary*

1 shall, in carrying out section 802 of the Higher Education
2 Act of 1965, give special consideration to applications from
3 private urban institutions of higher education, or combina-
4 tions thereof, with minority student enrollment exceeding 66
5 percent of total student enrollment, and with plans to develop
6 from a traditional academic curriculum to a universal coop-
7 erative education program applicable to all undergraduate
8 four year major fields of study (209): Provided further,
9 That an additional amount of \$10,000,000 shall be made
10 available for part D of title I of the Higher Education Act of
11 1965, relating to the student literacy corps program, to
12 become available on July 1, 1989, and remain available
13 until September 30, 1990.

14 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS

15 Pursuant to title VII, part F of the Higher Education
16 Act, as amended, for necessary expenses of the college hous-
17 ing and academic facilities loans program, the Secretary shall
18 make expenditures, contracts, and commitments without
19 regard to fiscal year limitation (210): ~~Provided~~, That
20 during fiscal year 1989, gross commitments for the principal
21 amount of direct loans shall be \$62,231,000.

22 For payment of interest on funds borrowed from the
23 Treasury pursuant to section 761(d) of the Higher Education
24 Act, as amended, \$1,675,000, to remain available until
25 expended (211): *Provided*, That notwithstanding section

1 *761(e) of the Higher Education Act, no new commitments for*
2 *loans may be made.*

3 **HIGHER EDUCATION FACILITIES LOANS**

4 The Secretary is hereby authorized to make such ex-
5 penditures, within the limits of funds available under this
6 heading and in accord with law, and to make such contracts
7 and commitments without regard to fiscal year limitation, as
8 provided by section 104 of the Government Corporation Con-
9 trol Act (31 U.S.C. 9104), as may be necessary in carrying
10 out the program set forth in the budget for the current fiscal
11 year. For the fiscal year 1989, no new commitments for
12 loans may be made from the fund established pursuant to title
13 VII, section 733 of the Higher Education Act, as amended
14 (20 U.S.C. 1132d-2).

15 **COLLEGE HOUSING LOANS**

16 Pursuant to title VII, part F of the Higher Education
17 Act, as amended, for necessary expenses of the college hous-
18 ing loan program, previously carried out under title IV of the
19 Housing Act of 1950, the Secretary shall make expenditures,
20 contracts, and commitments without regard to fiscal year lim-
21 itation using loan repayments and other resources available
22 to this account. Any unobligated balances becoming available
23 from fixed fees paid into this account pursuant to 12 U.S.C.
24 1749d, relating to payment of costs for inspections and site
25 visits, shall be available for the operating expenses of this
26 account.

1 EDUCATION RESEARCH AND STATISTICS

2 (212) (INCLUDING TRANSFER OF FUNDS)

3 For necessary expenses to carry out section 405 of
4 the General Education Provisions Act, as amended,
5 (213) \$50,343,000 \$44,960,000: *Provided*, That
6 (214) \$5,500,000 of the sums appropriated shall be used to
7 ~~continue~~ \$4,000,000 of the sums appropriated shall be used
8 to complete a rural education program by the nine regional
9 laboratories.

10 For necessary expenses to carry out section 406 of the
11 General Education Provisions Act, as amended by Public
12 Law 100-297, (215) \$28,669,000 including \$300,000 for
13 implementation of the Fellows Program \$20,000,000, and an
14 additional \$9,500,000 shall be for the National Assessment
15 of Educational Progress (216): *Provided*, That in addition
16 \$6,630,000 shall be transferred from the "Program adminis-
17 tration" account.

18 LIBRARIES

19 For carrying out, to the extent not otherwise provided,
20 titles I, II, III, IV, and VI of the Library Services and Con-
21 struction Act (20 U.S.C., ch. 16), and title II, parts B, C,
22 and D of the Higher Education Act, notwithstanding the pro-
23 visions of section 221, (217) \$142,644,000 \$135,089,000:
24 *Provided*, That \$22,595,000 of the sums appropriated shall
25 be used to carry out the provisions of title II of the Library
26 Services and Construction Act and shall remain available

1 until expended (218): Provided further, That the State of
2 Illinois is relieved of all liability to repay the United States
3 the sum of \$14,547,769 representing payments made to Illi-
4 nois under the Library Services and Construction Act for
5 fiscal years 1977 through 1986 which were disallowed be-
6 cause of a pioneering nature of the program for libraries in
7 that State and, in the audit and settlement of the accounts of
8 any certifying or disbursing officer of the United States, full
9 credit shall be given for the amount for which liability is
10 relieved by this proviso.

SPECIAL INSTITUTIONS

AMERICAN PRINTING HOUSE FOR THE BLIND

13 For carrying out the Act of March 3, 1879, as amended
14 (20 U.S.C. 101-106), including provision of materials to
15 adults undergoing rehabilitation on the same basis as provided
16 in 1985, ~~(219)~~ \$5,381,000 \$5,400,000.

NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

18 For the National Technical Institute for the Deaf under
19 titles II and IV of the Education of the Deaf Act of 1986 (20
20 U.S.C. 4301 et seq.), (220) ~~\$33,231,000~~ \$33,031,000, of
21 which \$200,000 shall be for the endowment program as au-
22 thorized under section 408 and shall be available until ex-
23 pended: Provided, That none of the funds provided herein
24 may be used to subsidize the tuition of foreign students.

1 GALLAUDET UNIVERSITY

2 For the Kendall Demonstration Elementary School, the
3 Model Secondary School for the Deaf and the partial support
4 of Gallaudet University under titles I and IV of the Educa-
5 tion of the Deaf Act of 1986 (20 U.S.C. 4301 et seq.), in-
6 cluding continuing education activities, existing extension
7 centers and the National Center for Law and the Deaf,
8 **(221)** ~~\$66,800,000~~ \$65,000,000, of which \$1,000,000 shall
9 be for the endowment program as authorized under section
10 407 and shall be available until expended.

11 HOWARD UNIVERSITY

12 For partial support of Howard University (20 U.S.C.
13 121 et seq.), **(222)** ~~\$180,647,000~~: *Provided*, That of the
14 funds appropriated under this head in the Department of
15 Education Appropriations Act, 1988, not to exceed
16 \$500,000 ~~\$176,147,000~~, of which \$1,500,000 shall be for a
17 matching endowment grant to be administered in accordance
18 with the Howard University Endowment Act (Public Law
19 98-480) and shall remain available until expended.

20 DEPARTMENTAL MANAGEMENT

21 PROGRAM ADMINISTRATION

22 For carrying out, to the extent not otherwise provided,
23 the Department of Education Organization Act, including
24 rental of conference rooms in the District of Columbia and
25 hire of three passenger motor vehicles,
26 **(223)** ~~\$249,849,000~~: *Provided*, That \$500,000 shall be

1 available until expended for carrying out the National
2 Summit Conference on Education Act of 1984
3 \$258,600,000, of which \$5,200,000 shall be available only
4 for additional staff and related expenses necessary to increase
5 the number of on-site student aid program reviews,
6 (224) and (225) of which \$5,600,000 shall be available
7 for necessary expenses of the National Student Loan Data
8 System upon enactment of amendments to section 485B of
9 the Higher Education Act which will decrease student loan
10 and default costs by more than the cost of the system on an
11 annual basis.

12 OFFICE FOR CIVIL RIGHTS

13 For expenses necessary for the Office for Civil Rights,
14 as authorized by section 203 of the Department of Education
15 Organization Act, \$41,341,000.

16 OFFICE OF THE INSPECTOR GENERAL

17 For expenses necessary for the Office of the Inspector
18 General, as authorized by section 212 of the Department of
19 Education Organization Act, (226) ~~\$17,911,000~~
20 \$18,400,000.

21 GENERAL PROVISIONS

22 SEC. 301. None of the funds appropriated by this title
23 for grants-in-aid of State agencies to cover, in whole or in
24 part, the costs of operation of said agencies, including the
25 salaries and expenses of officers and employees of said agen-
26 cies, shall be withheld from the said agencies of any State

1 which have established by legislative enactment and have in
2 operation a merit system and classification and compensation
3 plan covering the selection, tenure in office, and compensa-
4 tion of their employees, because of any disapproval of their
5 personnel or the manner of their selection by the agencies
6 of the said States, or the rates of pay of said officers or
7 employees.

8 SEC. 302. Funds appropriated in this Act to the Ameri-
9 can Printing House for the Blind, Howard University, the
10 National Technical Institute for the Deaf, and Gallaudet
11 University shall be subject to audit by the Secretary of
12 Education.

13 SEC. 303. No part of the funds contained in this title
14 may be used to force any school or school district which is
15 desegregated as that term is defined in title IV of the Civil
16 Rights Act of 1964, Public Law 88-352, to take any action
17 to force the busing of students; to force on account of race,
18 creed or color the abolishment of any school so desegregated;
19 or to force the transfer or assignment of any student attend-
20 ing any elementary or secondary school so desegregated to or
21 from a particular school over the protest of his or her parents
22 or parent.

23 SEC. 304. (a) No part of the funds contained in this title
24 shall be used to force any school or school district which is
25 desegregated as that term is defined in title IV of the Civil

1 Rights Act of 1964, Public Law 88-352, to take any action
2 to force the busing of students; to require the abolishment of
3 any school so desegregated; or to force on account of race,
4 creed or color the transfer of students to or from a particular
5 school so desegregated as a condition precedent to obtaining
6 Federal funds otherwise available to any State, school district
7 or school.

8 (b) No funds appropriated in this Act may be used for
9 the transportation of students or teachers (or for the purchase
10 of equipment for such transportation) in order to overcome
11 racial imbalance in any school or school system, or for the
12 transportation of students or teachers (or for the purchase of
13 equipment for such transportation) in order to carry out a
14 plan of racial desegregation of any school or school system.

15 SEC. 305. None of the funds contained in this Act shall
16 be used to require, directly or indirectly, the transportation of
17 any student to a school other than the school which is nearest
18 the student's home, except for a student requiring special
19 education, to the school offering such special education, in
20 order to comply with title VI of the Civil Rights Act of 1964.

21 For the purpose of this section an indirect requirement of
22 transportation of students includes the transportation of stu-
23 dents to carry out a plan involving the reorganization of the
24 grade structure of schools, the pairing of schools, or the clus-
25 tering of schools, or any combination of grade restructuring,

1 pairing or clustering. The prohibition described in this section
2 does not include the establishment of magnet schools.

3 SEC. 306. No funds appropriated under this Act may be
4 used to prevent the implementation of programs of voluntary
5 prayer and meditation in the public schools.

6 This title may be cited as the "Department of Educa-
7 tion Appropriations Act, 1989".

8 **TITLE IV—RELATED AGENCIES**

9 **ACTION**

10 **OPERATING EXPENSES**

11 For expenses necessary for Action to carry out the pro-
12 visions of the Domestic Volunteer Service Act of 1973, as
13 amended, ~~(227)~~ \$168,863,000 \$171,897,000.

14 **(228) CORPORATION FOR PUBLIC BROADCASTING**

15 *For payment to the Corporation for Public Broadcast-
16 ing, as authorized by the Communications Act of 1934, an
17 amount which shall be available within limitations specified
18 by that Act, for the fiscal year 1991, \$302,500,000 of which
19 \$57,500,000 shall be available for section 396(k)(10) of said
20 Act: Provided, That no funds made available to the Corpora-
21 tion for Public Broadcasting by this Act shall be used to pay
22 for receptions, parties, or similar forms of entertainment for
23 Government officials or employees: Provided further, That
24 none of the funds contained in this paragraph shall be avail-
25 able or used to aid or support any program or activity from*

1 which any person is excluded, or is denied benefits, or is
2 discriminated against, on the basis of race, color, national
3 origin, religion, or sex: Provided further, That funds provid-
4 ed herein for fiscal year 1991 shall be available pending
5 authorization.

6 **(229) COMMISSION ON RAILROAD RETIREMENT REFORM**

7 For necessary expenses of the Commission on Railroad
8 Retirement Reform established by section 9033 of the Omni-
9 bus Budget Reconciliation Act of 1987 (Public Law 100-
10 203), \$1,000,000, which shall remain available until
11 expended.

12 **FEDERAL MEDIATION AND CONCILIATION SERVICE**

13 **SALARIES AND EXPENSES**

14 For expenses necessary for the Federal Mediation and
15 Conciliation Service to carry out the functions vested in it by
16 the Labor-Management Relations Act, 1947 (29 U.S.C.
17 171-180, 182), including expenses of the Labor-Management
18 Panel and boards of inquiry appointed by the President, hire
19 of passenger motor vehicles, and rental of conference rooms
20 in the District of Columbia; and for expenses necessary pur-
21 suant to Public Law 93-360 for mandatory mediation in
22 health care industry negotiation disputes and for convening
23 factfinding boards of inquiry appointed by the Director in the
24 health care industry; and for expenses necessary for the
25 Labor-Management Cooperation Act of 1978 (29 U.S.C.

1 125a); and for expenses necessary for the Service to carry
2 out the functions vested in it by the Civil Service Reform
3 Act, Public Law 95-454 (5 U.S.C. chapter 71),
4 ~~(230)~~ \$26,127,000 \$24,937,000.

5 FEDERAL MINE SAFETY AND HEALTH REVIEW
6 COMMISSION

7 SALARIES AND EXPENSES

8 For expenses necessary for the Federal Mine Safety
9 and Health Review Commission (30 U.S.C. 801 et seq.),
10 \$4,079,000.

11 **(231) NATIONAL COMMISSION ON CHILDREN**

12 *For necessary expenses of the National Commission on
13 Children established by section 9136 of the Omnibus Recon-
14 ciliation Act of 1987, Public Law 100-203, \$800,000,
15 which shall remain available until expended.*

16 **(232) NATIONAL COMMISSION TO PREVENT INFANT
17 MORTALITY**

18 *For necessary expenses of the National Commission to
19 Prevent Infant Mortality, established by section 203 of the
20 National Commission to Prevent Infant Mortality Act of
21 1986, Public Law 99-660, \$500,000, which shall remain
22 available until expended. Notwithstanding any other provi-
23 sion of law, the Commission shall be composed of sixteen
24 members, including seven at large members. Furthermore,
25 the Commission has the power to accept voluntary and un-*

1 compensated services, notwithstanding section 1342 of title
2 31, and shall continue operating, notwithstanding sections
3 208 and 209 of Public Law 99-660.

4 **NATIONAL COMMISSION ON LIBRARIES AND**
5 **INFORMATION SCIENCE**
6 **SALARIES AND EXPENSES**

7 For necessary expenses for the National Commission on
8 Libraries and Information Science, established by the Act of
9 July 20, 1970 (Public Law 91-345), \$750,000.

10 **NATIONAL COMMISSION ON MIGRANT EDUCATION**
11 For necessary expenses of the National Commission on
12 Migrant Education established by section 1439 of Public Law
13 100-297, ~~(233)~~ \$2,000,000 \$1,000,000, which shall
14 remain available until expended.

15 **(234) NATIONAL COMMISSION ON RESPONSIBILITIES**
16 **FOR FINANCING POSTSECONDARY EDUCATION**
17 For necessary expenses of the National Commission on
18 Responsibilities for Financing Postsecondary Education es-
19 tablished by section 1321 of the Higher Education Amend-
20 ments of 1986 (Public Law 99-498), \$800,000, which shall
21 remain available until expended.

1 NATIONAL COUNCIL ON THE HANDICAPPED

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Council on the
4 Handicapped as authorized by section 405 of the Rehabilita-
5 tion Act of 1973, as amended, ~~(235)~~ \$974,000 \$1,174,000.

6 NATIONAL LABOR RELATIONS BOARD

7 SALARIES AND EXPENSES

8 For expenses necessary for the National Labor Rela-
9 tions Board to carry out the functions vested in it by the
10 Labor-Management Relations Act, 1947, as amended (29
11 U.S.C. 141-167), and other laws, \$138,647,000: *Provided*,
12 That no part of this appropriation shall be available to orga-
13 nize or assist in organizing agricultural laborers or used in
14 connection with investigations, hearings, directives, or orders
15 concerning bargaining units composed of agricultural laborers
16 as referred to in section 2(3) of the Act of July 5, 1935 (29
17 U.S.C. 152), and as amended by the Labor-Management Re-
18 lations Act, 1947, as amended, and as defined in section 3(f)
19 of the Act of June 25, 1938 (29 U.S.C. 203), and including
20 in said definition employees engaged in the maintenance and
21 operation of ditches, canals, reservoirs, and waterways when
22 maintained or operated on a mutual, nonprofit basis and at
23 least 95 per centum of the water stored or supplied thereby is
24 used for farming purposes.

1 NATIONAL MEDIATION BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary to carry out the provisions of
4 the Railway Labor Act, as amended (45 U.S.C. 151–188),
5 including emergency boards appointed by the President,
6 \$6,551,000.

7 OCCUPATIONAL SAFETY AND HEALTH REVIEW

8 COMMISSION

9 SALARIES AND EXPENSES

10 For the expenses necessary for the Occupational Safety
11 and Health Review Commission (29 U.S.C. 661),
12 ~~(236)~~ \$6,002,000 \$5,831,000.

13 PHYSICIAN PAYMENT REVIEW COMMISSION

14 SALARIES AND EXPENSES

15 For expenses necessary to carry out section 1845(a) of
16 the Social Security Act, \$3,059,000, to be transferred to this
17 appropriation from the Federal Supplementary Medical In-
18 surance Trust Fund.

19 PROSPECTIVE PAYMENT ASSESSMENT COMMISSION

20 SALARIES AND EXPENSES

21 For expenses necessary to carry out section 601 of
22 Public Law 98–21, \$3,664,000, to be transferred to this ap-
23 propriation from the Federal Hospital Insurance and the
24 Federal Supplementary Medical Insurance Trust Funds.

1 RAILROAD RETIREMENT BOARD

2 DUAL BENEFITS PAYMENTS ACCOUNT

3 For payment to the Dual Benefits Payments Account,
4 authorized under section 15(d) of the Railroad Retirement
5 Act of 1974, \$355,000,000, (237) which shall include
6 amounts becoming available of which \$28,000,000 shall be
7 available in fiscal year 1989 pursuant to section 224(c)(1)(B)
8 of Public Law 98-76: *Provided*, That the total amount pro-
9 vided herein shall be credited to the account in 12 approxi-
10 mately equal amounts on the first day of each month in the
11 fiscal year.

12 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

13 ACCOUNTS

14 For payment to the accounts established in the Treasury
15 for the payment of benefits under the Railroad Retirement
16 Act for unnegotiated checks, \$3,100,000, to remain available
17 through September 30, 1990, which shall be the maximum
18 amount available for payments pursuant to section 417 of
19 Public Law 98-76.

20 LIMITATION ON ADMINISTRATION

21 For necessary expenses for the Railroad Retirement
22 Board, (238) \$59,312,000 \$60,350,000, to be derived from
23 the railroad retirement accounts: *Provided*, (239) That such
24 portion of the foregoing amount as may be necessary shall be
25 available for payment of personnel compensation and benefits
26 for not less than 1,290 full-time equivalent employees: *Pro-*

1 *vided further*, That \$200,000 of the foregoing amount shall
2 be available only to the extent necessary to process work-
3 loads not anticipated in the budget estimates and after maxi-
4 mum absorption of the costs of such workloads within the
5 remainder of the existing limitation has been achieved: *Pro-*
6 *vided further*, That notwithstanding any other provision of
7 law, no portion of this limitation shall be available for pay-
8 ments of standard level user charges pursuant to section
9 210(j) of the Federal Property and Administrative Services
10 Act of 1949, as amended (40 U.S.C. 490(j); 45 U.S.C.
11 228a-4).

12 LIMITATION ON RAILROAD UNEMPLOYMENT INSURANCE

13 ADMINISTRATION FUND

14 For further expenses necessary for the Railroad Retire-
15 ment Board, for administration of the Railroad Unemploy-
16 ment Insurance Act, not less than ~~(240)~~ \$13,678,000
17 \$13,950,000 shall be apportioned for fiscal year 1989 from
18 moneys credited to the railroad unemployment insurance ad-
19 ministration fund~~(241)~~: *Provided, That such portion of the*
20 *foregoing amount as may be necessary shall be available for*
21 *the payment of personnel compensation and benefits for not*
22 *less than 310 full-time equivalent employees.*

23 LIMITATION ON REVIEW ACTIVITY

24 For expenses necessary for the Railroad Retirement
25 Board for audit, investigatory and review activities, as au-
26 thorized by section 418 of Public Law 98-76, not more than

1 (242) \$2,700,000 \$3,500,000, to be derived from the rail-
2 road retirement accounts and railroad unemployment insur-
3 ance account.

SOLDIERS' AND AIRMEN'S HOME

OPERATION AND MAINTENANCE

6 For maintenance and operation of the United States
7 Soldiers' and Airmen's Home, to be paid from the Soldiers'
8 and Airmen's Home permanent fund, (243) ~~\$37,657,000~~
9 \$37,700,000: *Provided*, That this appropriation shall not be
10 available for the payment of hospitalization of members of
11 the Home in United States Army hospitals at rates in
12 excess of those prescribed by the Secretary of the Army
13 upon recommendation of the Board of Commissioners and
14 the Surgeon General of the Army.

CAPITAL OUTLAY

16 For construction and renovation of the physical plant,
17 to be paid from the Soldiers' and Airmen's Home perma-
18 nent fund, \$15,000,000, to remain available until expended
19 **(244):** *Provided further, That funds provided under this*
20 *paragraph as well as \$15,000,000 provided for Capital*
21 *Outlay in Public Law 100-202 shall, immediately upon*
22 *enactment of this Act, be made available for the construction*
23 *of a 200-bed Intermediate Care Facility on the grounds of*
24 *the LaGarde building.*

1 **(245) UNITED STATES BIPARTISAN COMMISSION ON**
2 **COMPREHENSIVE HEALTH CARE**

3 *For necessary expenses of the United States Bipartisan*
4 *Commission on Comprehensive Health Care established by*
5 *section 401 of the Medicare Catastrophic Coverage Act of*
6 *1988, H.R. 2470, as passed the Senate on June 8, 1988,*
7 *\$1,046,000, which shall remain available until expended.*

8 **(246) UNITED STATES INSTITUTE OF PEACE**
9 **OPERATING EXPENSES**

10 *For necessary expenses of the United States Institute of*
11 *Peace as authorized in the United States Institute of Peace*
12 *Act, \$8,000,000.*

13 **TITLE V—GENERAL PROVISIONS**

14 SEC. 501. The expenditure of any appropriation under
15 this Act for any consulting service through procurement con-
16 tract, pursuant to 5 U.S.C. 3109, shall be limited to those
17 contracts where such expenditures are a matter of public
18 record and available for public inspection, except where oth-
19 erwise provided under existing law, or under existing Execu-
20 tive order issued pursuant to existing law.

21 SEC. 502. No part of any appropriation contained in this
22 Act shall be expended by an executive agency, as referred to
23 in the Office of Federal Procurement Policy Act (41 U.S.C.
24 401 et seq.), pursuant to any obligation for services by con-
25 tract, unless such executive agency has awarded and entered

1 into such contract in full compliance with such Act and regu-
2 lations promulgated thereunder.

3 SEC. 503. Appropriations contained in this Act, avail-
4 able for salaries and expenses, shall be available for services
5 as authorized by 5 U.S.C. 3109 but at rates for individuals
6 not to exceed the per diem rate equivalent to the rate for
7 GS-18.

8 SEC. 504. Appropriations contained in this Act, avail-
9 able for salaries and expenses, shall be available for uniforms
10 or allowances therefor as authorized by law (5 U.S.C. 5901-
11 5902).

12 SEC. 505. Appropriations contained in this Act, avail-
13 able for salaries and expenses, shall be available for expenses
14 of attendance at meetings which are concerned with the func-
15 tions or activities for which the appropriation is made or
16 which will contribute to improved conduct, supervision, or
17 management of those functions or activities.

18 SEC. 506. No part of the funds appropriated under this
19 Act shall be used to provide a loan, guarantee of a loan, a
20 grant, the salary of or any remuneration whatever to any
21 individual applying for admission, attending, employed by,
22 teaching at, or doing research at an institution of higher edu-
23 cation who has engaged in conduct on or after August 1,
24 1969, which involves the use of (or the assistance to others in
25 the use of) force or the threat of force or the seizure of prop-

1 erty under the control of an institution of higher education, to
2 require or prevent the availability of certain curricula, or to
3 prevent the faculty, administrative officials, or students in
4 such institution from engaging in their duties or pursuing
5 their studies at such institution.

6 SEC. 507. The Secretaries of Labor, Health and Human
7 Services, and Education are authorized to transfer unexpend-
8 ed balances of prior appropriations to accounts corresponding
9 to current appropriations provided in this Act: *Provided*,
10 That such transferred balances are used for the same pur-
11 pose, and for the same periods of time, for which they were
12 originally appropriated.

13 SEC. 508. No part of any appropriation contained in this
14 Act shall remain available for obligation beyond the current
15 fiscal year unless expressly so provided herein.

16 SEC. 509. No part of any appropriation contained in this
17 Act shall be used, other than for normal and recognized exec-
18 utive-legislative relationships, for publicity or propaganda
19 purposes, for the preparation, distribution, or use of any kit,
20 pamphlet, booklet, publication, radio, television, or film pres-
21 entation designed to support or defeat legislation pending
22 before the Congress, except in presentation to the Congress
23 itself.

24 No part of any appropriation contained in this Act shall
25 be used to pay the salary or expenses of any grant or con-

1 tract recipient, or agent acting for such recipient, related to
2 any activity designed to influence legislation or appropri-
3 tions pending before the Congress.

4 SEC. 510. The Secretaries of Labor, Health and Human
5 Services, and Education are each authorized to make avail-
6 able not to exceed \$7,500 from funds available for salaries
7 and expenses under titles I, II, and III, respectively, for offi-
8 cial reception and representation expenses; the Director of
9 the Federal Mediation and Conciliation Service is authorized
10 to make available for official reception and representation ex-
11 penses not to exceed \$2,500 from the funds available for
12 "Salaries and expenses, Federal Mediation and Conciliation
13 Service"; and the Chairman of the National Mediation Board
14 is authorized to make available for official reception and rep-
15 resentation expenses not to exceed \$2,500 from funds avail-
16 able for "Salaries and expenses, National Mediation Board".

17 SEC. 511. None of the funds appropriated by this Act
18 shall be used to pay for any research program or project or
19 any program, project, or course which is of an experimental
20 nature, or any other activity involving human participants,
21 which is determined by the Secretary or a court of competent
22 jurisdiction to present a danger to the physical, mental, or
23 emotional well-being of a participant or subject of such pro-
24 gram, project, or course, without the written, informed con-
25 sent of each participant or subject, or a participant's parents

1 or legal guardian, if such participant or subject is under
2 eighteen years of age. The Secretary shall adopt appropriate
3 regulations respecting this section.

4 SEC. 512. In administering funds made available under
5 this Act for research relating to the treatment of AIDS, the
6 National Institutes of Health shall take all possible steps to
7 ensure that all experimental drugs for the treatment of
8 AIDS, particularly antivirals and immunomodulators, that
9 have shown some effectiveness in treating individuals infect-
10 ed with the human immunodeficiency virus are tested in clini-
11 cal trials as expeditiously as possible and with as many sub-
12 jects as is scientifically acceptable.

13 (247) SEC. 513. No funds appropriated under this Act
14 shall be expended in any workplace that is not free of illegal
15 use or possession of controlled substances which is made
16 known to the Federal entity or official to which funds are
17 appropriated under this Act. Pursuant to this section an ap-
18 plicant for funds to be appropriated under this Act shall be
19 ineligible to receive such funds if such applicant fails to in-
20 clude in its application an assurance that it has, and will
21 administer in good faith, a policy designed to ensure that all
22 of its workplaces are free from the illegal use, possession, or
23 distribution of controlled substances by its employees.

1 (248) SEC. 513. *Such sums as may be necessary for*
2 *fiscal year 1989 pay raises for programs funded by this Act*
3 *shall be absorbed within the levels appropriated in this Act.*

4 (249) SEC. 514. (a) *Subject to subsection (b), none of*
5 *the funds made available by this or any other Act may be*
6 *used by the Secretary of Labor to withdraw approval of the*
7 *California State occupational safety and health plan, or to*
8 *exercise exclusive Federal safety and health authority in the*
9 *State of California, under the Occupational Safety and*
10 *Health Act of 1970 (29 U.S.C. 651 et seq.).*

11 (b) *The prohibition established in subsection (a) shall*
12 *apply until the California Supreme Court has rendered a*
13 *final disposition in the case of Ixta v. Rinaldi (Case No. 3*
14 *Civil C 002805).*

15 (250) SEC. 515. (a)(1) *Notwithstanding any other*
16 *provision of this Act, no department, agency, or instrument-*
17 *ality of the United States Government receiving appropri-*
18 *ated funds under this Act for fiscal year 1989, shall, during*
19 *fiscal year 1989, obligate and expend funds for consulting*
20 *services involving management and professional services; spe-*
21 *cial studies and analyses; technical assistance; and manage-*
22 *ment review of program funded organizations; in excess of an*
23 *amount equal to 85 percent of the amount obligated and ex-*
24 *pended by such department, agency, or instrumentality for*
25 *such services during fiscal year 1987.*

1 (2) Notwithstanding any other provision of this Act, no
2 department, agency, or instrumentality of the United States
3 Government receiving appropriated funds under this Act for
4 fiscal year 1989, shall, during fiscal year 1989, obligate and
5 expend funds for consulting services involving management
6 and support services for research and development activities;
7 engineering development and operational systems develop-
8 ment; technical representatives; training; quality control, test-
9 ing, and inspection services; specialized medical services; and
10 public relations; in excess of an amount equal to 95 percent
11 of the amount obligated and expended by such department,
12 agency, or instrumentality for such services during fiscal
13 year 1987.

14 (b) The Director of the Office of Management and
15 Budget shall take such action as may be necessary, through
16 budget instructions or otherwise, to direct each department,
17 agency, and instrumentality of the United States to comply
18 with the provisions of section 1114 of title 31, United States
19 Code.

20 (d) As used in this section, the term "consulting serv-
21 ices" includes any service within the definition of "Advisory
22 and Assistance Services" in Office of Management and
23 Budget Circular A-120, dated January 4, 1988.

24 (c) All savings to any department, agency, or instru-
25 mentality which result from the application of subsection (a),

1 shall be used for the 4 percent increase in rates of pay in
2 such department, agency, or instrumentality made under this
3 Act.

4 (251) SEC. 516. It is the sense of the Senate that the
5 Senate conferees on this Act should in the conference report
6 on this Act appropriate and make available amounts equal to
7 \$39,800,000,000 in budget authority.

8 (252) SEC. 517. None of the funds appropriated under
9 this Act shall be used to perform an abortion on a woman for
10 the sole purpose of providing fetal organs or tissue for medi-
11 cal transplantation to any animal or person.

12 (253) SEC. 518. (a) None of the funds appropriated
13 under this Act shall be used to knowingly acquire, receive or
14 otherwise transfer any human (including that derived from a
15 fetus) organ or organ subpart for valuable consideration for
16 use in human or animal transplantation.

17 (b) None of the funds appropriated under this Act shall
18 be used to knowingly acquire, receive or otherwise transfer
19 any human organ or organ subpart derived from a fetus that
20 has been aborted for the sole purpose of medically transplant-
21 ing such organs or organ subparts to any animal or person.

22 (c) For purposes of subsection (a) and (b):

23 (1) The term "human organ" means the human
24 kidney, liver, heart, lung, pancreas, brain, bone
25 marrow, cornea, eye, bone, and skin and any other

1 *human organ specified by the Secretary of Health and*
2 *Human Services by regulation.*

3 (2) *The term "valuable consideration" does not*
4 *include the reasonable payments associated with the re-*
5 *moval, transportation, implantation, processing, preser-*
6 *vation, quality control, and storage of a human organ*
7 *or organ subpart, or the expenses of travel, housing*
8 *and lost wages incurred by the donor of a human*
9 *organ, or organ subpart in connection with the dona-*
10 *tion of the organ or organ supart.*

11 **(254)** SEC. 519. *None of the funds appropriated under*
12 *this Act shall be used to offer any inducement, monetary or*
13 *otherwise, for a woman to have an abortion for purposes of*
14 *providing fetal organs or tissue for medical transplantation to*
15 *any animal or person.*

16 **(255)** SEC. 520. *None of the funds made available*
17 *under this Act shall be used to waive the minimal risk stand-*
18 *ard for fetal research.*

19 **(256)** SEC. 521. *When issuing statements, press re-*
20 *leases, requests for proposals, bid solicitations, and other doc-*
21 *uments describing projects or programs funded in whole or in*
22 *part with Federal money, all grantees receiving Federal*
23 *funds, including but not limited to State and local govern-*
24 *ments, shall clearly state (1) the percentage of the total costs*
25 *of the program or project shich will be financed with Federal*

1 money, and (2) the dollar amount of Federal funds for the
2 project or program.

3 This Act may be cited as the "Departments of Labor,
4 Health and Human Services, and Education, and Related
5 Agencies Appropriations Act, 1989".

Passed the House of Representatives June 15, 1988.

Attest: DONNALD K. ANDERSON,

Clerk.

Passed the Senate with amendments July 27 (legislative day, July 26), 1988.

Attest: WALTER J. STEWART,

Secretary.

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